

111TH CONGRESS
1ST SESSION

S. 1737

To amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to increase the number of children eligible for free school meals, with a phased-in transition period.

IN THE SENATE OF THE UNITED STATES

OCTOBER 1, 2009

Mr. FRANKEN (for himself, Ms. MURKOWSKI, and Mr. BINGAMAN) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to increase the number of children eligible for free school meals, with a phased-in transition period.

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 “Expand School Meals
5 Act of 2009”.

1 **TITLE I—TRANSITION PERIOD**

2 **SEC. 101. PHASED-IN INCREASE IN INCOME ELIGIBILITY**

3 **GUIDELINES FOR FREE SCHOOL LUNCHES** 4 **AND BREAKFASTS.**

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

7 (1) in paragraph (1), by redesignating subpara-
8 graph (B) as subparagraph (E);
9 (2) by striking “(b)(1)(A) Not” and inserting
10 the following:

11 “(b) INCOME ELIGIBILITY GUIDELINES.—

12 “(1) ESTABLISHMENT.—

13 “(A) IN GENERAL.—Not”;

14 (3) in subparagraph (A)—

15 (A) by striking the second sentence and in-
16 serting the following:

17 “(B) FREE LUNCHES.—The income guide-
18 lines for determining eligibility for free lunches
19 shall be the following percentage of the applica-
20 ble family size income levels contained in the
21 nonfarm income poverty guidelines prescribed
22 by the Office of Management and Budget, as
23 adjusted annually in accordance with subpara-
24 graph (E):

1 “(i) For the school year beginning
2 July 1, 2010, 144 percent.

3 “(ii) For the school year beginning
4 July 1, 2011, 158 percent.

5 “(iii) For the school year beginning
6 July 1, 2012, 172 percent.”;

7 (B) in the third sentence—

8 (i) by striking “The income” and in-
9 serting the following:

10 “(C) REDUCED PRICE LUNCHES.—The in-
11 come”; and

12 (ii) by striking “subparagraph (B)”
13 and inserting “subparagraph (E)”; and

14 (C) in the fourth sentence, by striking
15 “The Office” and inserting the following:

16 “(D) FREQUENCY OF REVISIONS.—The
17 Office”; and

18 (4) in subparagraph (E) (as redesignated by
19 paragraph (1))—

20 (A) by striking “The revision” and insert-
21 ing the following:

22 “(E) AMOUNT OF REVISIONS.—The revi-
23 sion”; and

24 (B) by striking “subparagraph (A) of this
25 paragraph” and inserting “subparagraph (D)”.

1 **SEC. 102. PERIOD OF EFFECTIVENESS.**

2 The amendments made by section 101 shall be effec-
3 tive only during the period beginning on the date of enact-
4 ment of this Act and ending on June 30, 2013.

5 **TITLE II—PERMANENT CHANGE**

6 **SEC. 201. FREE LUNCH ELIGIBILITY.**

7 (a) IN GENERAL.—Section 9(b)(1) of the Richard B.
8 Russell National School Lunch Act (42 U.S.C.
9 1758(b)(1)) is amended—

10 (1) by redesignating subparagraph (B) as sub-
11 paragraph (D);

12 (2) by striking “(b)(1)(A) Not” and inserting
13 the following:

14 “(b) INCOME ELIGIBILITY GUIDELINES.—

15 “(1) ESTABLISHMENT.—

16 “(A) IN GENERAL.—Not”;

17 (3) in subparagraph (A)—

18 (A) in the first sentence, by striking “and
19 reduced price”;

20 (B) by striking “The income guidelines for
21 determining eligibility for free lunches shall be
22 130 percent” and inserting the following:

23 “(B) FREE LUNCHES.—The income guide-
24 lines for determining eligibility for free lunches
25 shall be 185 percent.”;

26 (C) by striking the third sentence; and

1 (D) by striking “The Office” and inserting
2 the following:

3 “(C) FREQUENCY OF REVISIONS.—The Of-
4 fice”; and

7 (A) by striking “(D) The” and inserting
8 the following:

10 (B) by striking “subparagraph (A) of this
11 paragraph” and inserting “subparagraph (C)”.
12

12 (b) CONFORMING AMENDMENTS.—

13 (1) Section 9 of the Richard B. Russell Na-
14 tional School Lunch Act (42 U.S.C. 1758) is amend-
15 ed—

16 (A) in subsection (b)—

17 (i) by striking “free and reduced
18 price” each place it appears (other than
19 paragraph (7)) and inserting “free”;

20 (ii) by striking “free or reduced price”
21 each place it appears and inserting “free”;

22 (iii) in paragraph (2)(B)(i), by strik-
23 ing “, and shall contain” and all that fol-
24 lows through “or reduced price lunches”;

25 (iv) in paragraph (3)—

1 (I) in subparagraph (E)(iii), by
2 striking “free or reduced-price” each
3 place it appears and inserting “free”;
4 and

5 (II) in subparagraph (F)—
6 (aa) in clause (i), by striking
7 “Subject to clauses (ii) and (iii)”
8 and inserting “Subject to clause
9 (ii),”;

10 (bb) in clause (ii)(II), by
11 striking “133 percent” both
12 places it appears in items (aa)
13 and (bb) and inserting “185 per-
14 cent”;

15 (cc) by striking clause (iii);
16 and

17 (dd) by redesignating
18 clauses (iv) and (v) as clauses
19 (iii) and (iv), respectively;

20 (v) in paragraph (7)—
21 (I) in the paragraph heading, by
22 striking “AND REDUCED PRICE” and
23 inserting “MEALS”;

1 (II) by striking “and reduced
2 price policy” each place it appears
3 and inserting “meals policy”; and
4 (III) in subparagraph (B), by
5 striking “and reduced price meals”
6 and inserting “meals”;
7 (vi) in paragraph (9)—
8 (I) in the paragraph heading, by
9 striking “AND REDUCED PRICE”;
10 (II) by striking subparagraph
11 (B); and
12 (III) by redesignating subparagraph
13 (C) as subparagraph (B);
14 (vii) in paragraph (10), by striking
15 “or a reduced price lunch”; and
16 (viii) in paragraph (11), in the first
17 sentence, by striking “or reduced price
18 lunches”;
19 (B) in subsection (c), in the third sentence,
20 by striking “or at a reduced cost”;
21 (C) in subsection (d), by striking “or re-
22 duced price” each place it appears; and
23 (D) in subsection (e), by striking “, re-
24 duced price.”.

4 (A) in subsection (a)—

5 (i) in paragraph (1)—

6 (I) in subparagraph (A), by strik-
7 ing “and the product obtained by mul-
8 tiplying” and all that follows through
9 “for such fiscal year”;

10 (II) in subparagraph (B)—

11 (aa) by striking “or reduced
12 price lunches” the first place it
13 appears;

14 (bb) by striking “or reduced
15 price lunches, as the case may
16 be”; and

17 (cc) by striking “and re-
18 duced price lunches”;

19 (III) in subparagraph (C)—

20 (aa) in clause (ii), by strik-
21 ing “or reduced price lunches or
22 breakfasts” each place it ap-
23 pears; and

24 (bb) in clause (iii), by strik-
25 ing “or reduced price”; and

1 (IV) in subparagraph (D), by
2 striking “and reduced price lunches”
3 each place it appears in clauses (iii)
4 and (iv);
5 (ii) in paragraph (2), by striking “and
6 the special assistance factor for reduced
7 price” and all that follows through “free
8 lunches”; and
9 (iii) in paragraph (3)(B)(iii)(I), by
10 striking “or reduced price”;
11 (B) in subsection (b), in the first sentence,
12 by striking “and reduced price”;
13 (C) in subsection (d), by striking “and the
14 average number of children who received re-
15 duced price lunches” each place it appears
16 in paragraphs (1) and (2); and
17 (D) in subsection (e)—
18 (i) in the second sentence, by striking
19 “, and shall serve meals at a reduced
20 price” and all that follows through “such
21 section”; and
22 (ii) in the third sentence, by striking
23 “or reduced priced”.

4 (A) in subparagraph (C), by striking “and
5 reduced price”;

6 (B) by striking subparagraph (D);

7 (C) in subparagraph (H), by striking “or
8 reduced price”; and

9 (D) by redesignating subparagraphs (E)
10 through (M) as subparagraphs (D) through
11 (L).

12 (4) Section 13 of the Richard B. Russell Na-
13 tional School Lunch Act (42 U.S.C. 1761) is amend-
14 ed—

15 (A) in subsection (a)—

16 (i) in paragraph (1)(C)—

17 (I) by striking "or reduced
18 price"; and

19 (II) by striking "and reduced
20 price"; and

21 (ii) in paragraph (5), by striking “or
22 reduced price”; and

23 (B) in subsection (f)(3), by striking “or re-
24 duced price”.

1 (5) Section 17 of the Richard B. Russell Na-
2 tional School Lunch Act (42 U.S.C. 1766) is amend-
3 ed—

4 (A) in subsection (a)(2)(B)(i), by striking
5 “or reduced price”;

6 (B) in subsection (c)—

12 (ii) in paragraph (2), by inserting
13 “(as calculated on the day before the date
14 of enactment of the Expand School Meals
15 Act of 2009)” after “breakfasts, reduced
16 price breakfasts”; and

17 (iii) by striking paragraph (4) and in-
18 serting the following:

19 “(4) DETERMINATIONS.—

20 “(A) FREE MEALS.—Determinations with
21 regard to eligibility for free meals and supple-
22 ments shall be made in accordance with the in-
23 come eligibility guidelines for free lunches under
24 section 9.

1 “(B) REDUCED PRICE MEALS.—Determinations with regard to eligibility for reduced price meals and supplements shall be made in accordance with the income eligibility guidelines for reduced price lunches under section 9, as in effect on the day before the date of enactment of the Expand School Meals Act of 2009.”;

8 (C) in subsection (f)(3)—

9 (i) by striking “or reduced price” each
10 place it appears; and
11 (ii) in subparagraph (A)(iii)(II)(aa),
12 in the item heading, by striking “OR RE-
13 DUCED PRICE”; and

14 (D) in subsection (r)(1)(B), by striking “or
15 reduced price”.

16 (6) Section 17A(c)(1) of the Richard B. Russell
17 National School Lunch Act (42 U.S.C. 1766a(c)(1))
18 is amended in the matter preceding subparagraph
19 (A) by striking “or reduced price”.

20 (7) Section 18 of the Richard B. Russell National
21 School Lunch Act (42 U.S.C. 1769) is amended by striking subsection (i).

23 (8) Section 19 of the Richard B. Russell National
24 School Lunch Act (42 U.S.C. 1769a) is
25 amended—

3 (B) by striking “and reduced price” each
4 place it appears.

5 (9) Section 20(b) of the Richard B. Russell Na-
6 tional School Lunch Act (42 U.S.C. 1769b(b)) is
7 amended by striking “and reduced price”.

11 (A) in the matter preceding clause (i), by
12 striking “or reduced price”; and

13 (B) in clause (iii), by striking “and re-
14 duced price”.

15 (c) TRANSITION RULES.—The Secretary of Agri-
16 culture shall carry out the amendments made by para-
17 graphs (2) and (8) of subsection (b) in accordance with
18 transition rules established by the Secretary.

19 SEC. 202. FREE BREAKFAST ELIGIBILITY.

20 (a) IN GENERAL.—Section 4 of the Child Nutrition
21 Act of 1966 (42 U.S.C. 1733) is amended—

22 (1) in subsection (b)—

23 (A) in paragraph (1)—

24 (i) in subparagraph (A)(i)(II)—

1 (I) by striking “, for reduced
2 price breakfasts,”; and

3 (II) by striking "or reduced
4 price";

5 (ii) in subparagraph (B)—

(I) in the third sentence, by
striking “or reduced price”; and

8 (II) by striking the second sen-
9 tence;

10 (iii) by striking subparagraph (C);

11 (iv) by redesignating subparagraphs

12 (D) and (E) as subparagraphs (C) and
13 (D), respectively; and

14 (v) in subparagraph (D) (as so redesignated)—
15

16 (I) in the subparagraph heading,
17 by striking “AND REDUCED PRICE”
18 and inserting “MEALS”;

(II) by striking “and reduced price policy” each place it appears and inserting “meals policy”; and

22 (III) by striking “and reduced
23 price meals” and inserting “meals”;
24 and

25 (B) in paragraph (2) =

7 (b) CONFORMING AMENDMENTS.—

10 (A) in subsection (e)(2)(B)(ii), by striking
11 “or reduced price”; and

12 (B) in subsection (i), by striking “and re-
13 duced price” each place it appears in para-
14 graphs (2)(B)(iii) and (3)(B)(i).

15 (2) Section 17(d)(2)(A)(i) of the Child Nutri-
16 tion Act of 1966 (42 U.S.C. 1786(d)(2)(A)(i)) is
17 amended by striking “and reduced price”.

21 SEC. 203. PERIOD OF EFFECTIVENESS.

22 The amendments made by this title shall be effective
23 beginning on July 1, 2013.

