

111TH CONGRESS
2D SESSION

S. 3128

To amend the Richard B. Russell National School Lunch Act to ensure the categorical eligibility of foster children for free school lunches and breakfasts.

IN THE SENATE OF THE UNITED STATES

MARCH 16, 2010

Mrs. GILLIBRAND 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 to ensure the categorical eligibility of foster children for free school lunches and breakfasts.

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. CATEGORICAL ELIGIBILITY OF FOSTER CHIL-**
4 **DREN.**

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

8 (1) in subparagraph (C), by striking “or” at
9 the end;

1 (2) in subparagraph (D), by striking the period
 2 at the end and inserting “; or”; and

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

4 “(E)(i) a foster child whose care and
 5 placement is the responsibility of an agency
 6 that administers a State plan under part B or
 7 E of title IV of the Social Security Act (42
 8 U.S.C. 621 et seq.); or

9 “(ii) a foster child who a court has placed
 10 with a caretaker household.”.

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

14 (1) in clause (iv), by adding “)” before the
 15 semicolon at the end;

16 (2) in clause (v), by striking “or” at the end;

17 (3) in clause (vi), by striking the period at the
 18 end and inserting “; or”; and

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

20 “(vii)(I) a foster child whose care and
 21 placement is the responsibility of an agen-
 22 cy that administers a State plan under
 23 part B or E of title IV of the Social Secu-
 24 rity Act (42 U.S.C. 621 et seq.); or

1 “(II) a foster child who a court has
2 placed with a caretaker household.”.

3 (c) DOCUMENTATION.—Section 9(d)(2) of the Rich-
4 ard B. Russell National School Lunch Act (42 U.S.C.
5 1758(d)(2)) is amended—

6 (1) in subparagraph (D), by striking “or” at
7 the end;

8 (2) in subparagraph (E), by striking the period
9 at the end and inserting “; or”; and

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

11 “(F)(i) documentation has been provided
12 to the appropriate local educational agency
13 showing the status of the child as a foster child
14 whose care and placement is the responsibility
15 of an agency that administers a State plan
16 under part B or E of title IV of the Social Se-
17 curity Act (42 U.S.C. 621 et seq.); or

18 “(ii) documentation has been provided to
19 the appropriate local educational agency show-
20 ing the status of the child as a foster child who
21 a court has placed with a caretaker house-
22 hold.”.

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