

116TH CONGRESS
1ST SESSION

H. R. 1352

To provide for parity for Guam and the United States Virgin Islands under the Richard B. Russell National School Lunch Act and the Child Nutrition Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 2019

Ms. PLASKETT (for herself and Mr. SAN NICOLAS) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To provide for parity for Guam and the United States Virgin Islands under the Richard B. Russell National School Lunch Act and the Child Nutrition Act, 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 “Federal School Meals
5 Parity Act”.

1 **SEC. 2. PARITY FOR THE UNITED STATES VIRGIN ISLANDS**
2 **AND GUAM.**

3 (a) **IN GENERAL.**—Notwithstanding section 12(f) of
4 the Richard B. Russell National School Lunch Act (42
5 U.S.C. 1760(f)), in providing meals and supplements
6 under the Richard B. Russell National School Lunch Act
7 (42 U.S.C. 1751 et seq.) and section 4 of the Child Nutri-
8 tion Act of 1966 (42 U.S.C. 1773), the Secretary shall
9 apply to—

10 (1) Guam the average of the reimbursement
11 rates applied to Alaska and Hawaii during each fis-
12 cal year under such provisions of law, respectively;
13 and

14 (2) the United States Virgin Islands the same
15 reimbursement rates applied to Puerto Rico during
16 each fiscal year under such provisions of law, respec-
17 tively.

18 (b) **SEVERABILITY.**—Notwithstanding section 12(f)
19 of the Richard B. Russell National School Lunch Act (42
20 U.S.C. 1760(f)), in the case of a fiscal year in which the
21 Secretary applies the national average reimbursement rate
22 for meals and supplements under the Richard B. Russell
23 National School Lunch Act (42 U.S.C. 1751 et seq.) and
24 section 4 of the Child Nutrition Act of 1966 (42 U.S.C.
25 1773) to—

1 (1) Alaska or Hawaii, the Secretary shall apply
2 to Guam the greatest reimbursement rate applied to
3 any other State or territory—

4 (A) with respect to meals and supplements
5 provided under the school lunch program, under
6 the Richard B. Russell National School Lunch
7 Act (42 U.S.C. 1751 et seq.); and

8 (B) with respect to the meals and supple-
9 ments provided under the school breakfast pro-
10 gram, under section 4 of the Child Nutrition
11 Act of 1966 (42 U.S.C. 1773); or

12 (2) Puerto Rico, the Secretary shall apply to
13 the United States Virgin Islands the greatest reim-
14 bursement rate applied to any other State or terri-
15 tory—

16 (A) with respect to meals and supplements
17 provided under the school lunch program, under
18 the Richard B. Russell National School Lunch
19 Act (42 U.S.C. 1751 et seq.); and

20 (B) with respect to meals and supplements
21 provided under the school breakfast program,
22 under section 4 of the Child Nutrition Act of
23 1966 (42 U.S.C. 1773).

24 (c) RATE ADJUSTMENT.—Notwithstanding section
25 12(f) of the Richard B. Russell National School Lunch

1 Act (42 U.S.C. 1760(f)), the Secretary may apply the na-
2 tional average reimbursement rate prescribed under the
3 Richard B. Russell National School Lunch Act (42 U.S.C.
4 1751 et seq.) and section 4 of the Child Nutrition Act
5 of 1966 (42 U.S.C. 1773) to Guam or the United States
6 Virgin Islands, or both, if—

7 (1) the Secretary—

8 (A) determines such application is appro-
9 priate in a report published pursuant to section
10 3; and

11 (B) the Secretary publishes such a deter-
12 mination in the Federal Register with an oppor-
13 tunity for a public comment period of at least
14 60 days; and

15 (2) on a date that is after the termination of
16 the public comment period required under paragraph
17 (1)(B) and at least 30 days before applying such re-
18 imbursement rate Guam or the United States Virgin
19 Islands, the Secretary provides notice—

20 (A) to the Congressional committees speci-
21 fied in section 3(b)(2)(A);

22 (B) to each of the delegates to the House
23 of Representatives from Guam and the United
24 States Virgin Islands, as applicable; and

1 (C) to the Governors of Guam and the
2 United States Virgin Islands, as applicable.

3 **SEC. 3. USDA REPORT ON SCHOOL MEALS REIMBURSE-**
4 **MENT RATES IN U.S. TERRITORIES.**

5 (a) USDA REPORT.—Not later than 5 years after the
6 date of enactment of this Act, and once every 10 years
7 thereafter, the Secretary of Agriculture shall prepare and
8 publish a report on—

9 (1) the cost differences between—

10 (A) providing meals and supplements
11 under the Richard B. Russell National School
12 Act (42 U.S.C. 1751 et seq.) and section 4 of
13 the Child Nutrition Act of 1966 (42 U.S.C.
14 1773) in American Samoa, Guam, the Northern
15 Mariana Islands, Puerto Rico, and the United
16 States Virgin Islands, respectively;

17 (B) the average cost of providing meals
18 and supplements under such provisions of law
19 in the contiguous 48 States and the District of
20 Columbia; and

21 (C) the cost of providing meals and supple-
22 ments under such provisions of law in Alaska
23 and Hawaii;

24 (2) the relationship between the cost differences
25 under paragraph (1) and the national average pay-

1 ment rates for meals and supplements under the
2 Richard B. Russell National School Lunch Act (42
3 U.S.C. 1751 et seq.) and section 4 of the Child Nu-
4 trition Act of 1966 (42 U.S.C. 1773); and

5 (3) the number and percentage of students who
6 are eligible for—

7 (A) a free or reduced price lunch under the
8 Richard B. Russell National School Lunch Act
9 (42 U.S.C. 1751 et seq.); and

10 (B) the breakfast program under section 4
11 of the Child Nutrition Act of 1966 (42 U.S.C.
12 1773).

13 (b) PUBLIC AVAILABILITY.—The report required
14 under subsection (a) shall be—

15 (1) published on the Internet website of the
16 Federal Register for public comment for no fewer
17 than 60 days; and

18 (2) finalized within 180 days after the end of
19 the public comment period and—

20 (A) submitted to the Committee on Edu-
21 cation and Labor and the Committee on Agri-
22 culture of the House of Representatives, the
23 Committee on Agriculture, Nutrition, and For-
24 estry of the Senate, and each of the delegates
25 or resident commissioner to the House of Rep-

1 representatives from American Samoa, Guam, the
2 Northern Mariana Islands, Puerto Rico, and
3 the United States Virgin Islands, respectively;
4 and

5 (B) made readily available on a public
6 Government Internet website.

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