

116TH CONGRESS
2D SESSION

H. R. 7887

To reimburse school food authorities at the free rate for meals served during school year 2020–2021 under the school breakfast program and the school lunch program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2020

Mr. SCOTT of Virginia (for himself, Ms. OMAR, Ms. FUDGE, Ms. BONAMICI, Mr. MCGOVERN, Ms. VELÁZQUEZ, Mr. RYAN, Mrs. DAVIS of California, Mrs. TRAHAN, Mr. MORELLE, Ms. WILD, Mr. CASTRO of Texas, Mr. DESAULNIER, Mrs. WATSON COLEMAN, Ms. ADAMS, Mrs. HAYES, and Mr. GRIJALVA) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To reimburse school food authorities at the free rate for meals served during school year 2020–2021 under the school breakfast program and the school lunch program, 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 “Pandemic Child Hun-
5 ger Prevention Act”.

1 **SEC. 2. REIMBURSEMENT FOR MEALS SERVED DURING**
2 **SCHOOL YEAR 2020–2021.**

3 (a) PROVISIONS RELATING TO SCHOOL YEAR 2020–
4 2021.—

5 (1) REIMBURSEMENTS DURING SCHOOL YEAR
6 2020–2021.—Notwithstanding any other provision of
7 law, during school year 2020–2021, in making reim-
8 bursements to a State—

9 (A) for lunches served by school food au-
10 thorities in such State under the school lunch
11 program under the Richard B. Russell National
12 School Lunch Act (42 U.S.C. 1751 et seq.), the
13 Secretary shall reimburse such State at the free
14 lunch rate; and

15 (B) for breakfasts served by school food
16 authorities in such State under the school
17 breakfast program under section 4 of the Child
18 Nutrition Act of 1966 (42 U.S.C. 1773), the
19 Secretary shall reimburse such State at the free
20 breakfast rate.

21 (2) PARTICIPATION IN MEAL PROGRAMS DUR-
22 ING SCHOOL YEAR 2020–2021.—Notwithstanding any
23 other provision of law, during school year 2020–
24 2021, all children enrolled in a school that partici-
25 pates—

1 (A) in the school lunch program under the
2 Richard B. Russell National School Lunch Act
3 (42 U.S.C. 1751 et seq.) shall be eligible (with-
4 out application) to receive free lunch under
5 such Act; and

6 (B) in the school breakfast program under
7 section 4 of the Child Nutrition Act of 1966
8 (42 U.S.C. 1773) shall be eligible (without ap-
9 plication) to receive free breakfast under such
10 section.

11 (3) ONE-TIME ELECTION TO EXCLUDE SCHOOL
12 YEAR 2020–2021.—Notwithstanding any other provi-
13 sion of law, a local educational agency may make a
14 one-time election to exclude school year 2020–2021
15 from the 4-year period during which such local edu-
16 cational agency elects to receive payments under
17 subparagraphs (C), (E), or (F) of section 11(a)(1)
18 of the Richard B. Russell National School Lunch
19 Act (42 U.S.C. 1759a(a)(1)).

20 (b) PROVISIONS RELATING TO SCHOOL YEAR 2021–
21 2022.—

22 (1) CALCULATION OF IDENTIFIED STUDENTS
23 FOR SCHOOL YEAR 2021–2022.—For school year
24 2021–2022, in determining the percentage of identi-
25 fied students under section 11(a)(1)(F) of the Rich-

ard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)(F)), local educational agencies and States—

(A) shall certify students in accordance with paragraphs (4), (5), (6), and (15) of section 9(b) of such Act (42 U.S.C. 1758(b)) not later than April 1, 2021; and

(B) notwithstanding any other provision of law, may use the percentage of identified students—

(i) as of August 31, 2020; or

(ii) as of August 31, 2021.

(2) SELECTION OF SCHOOLS UNDER FRESH FRUIT AND VEGETABLE PROGRAM FOR SCHOOL YEAR 2021–2022.—Notwithstanding any other provision of law, for purposes of participating in the program under section 19 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769a) during school year 2021–2022, each State shall use the percentage of identified students for such school year determined in accordance with paragraph (1) to determine which schools meet the requirements of subsection (d)(1)(A)(i) of such section 19 (42 U.S.C. 1769a(d)(1)(A)(i)).

1 (3) PAID LUNCH CALCULATION FOR SCHOOL
2 YEAR 2021–2022.—Notwithstanding any other provi-
3 sion of law, for purposes of establishing a price for
4 paid lunches under section 12(p) of the Richard B.
5 Russell National School Lunch Act (42 U.S.C.
6 1760(p)) for school year 2021–2022—

7 (A) school year 2020–2021 shall not apply
8 as the previous school year; and

9 (B) school year 2019–2020 shall apply as
10 the previous school year.

11 (c) DEFINITIONS.—In this section:

12 (1) FREE BREAKFAST RATE.—The term “free
13 breakfast rate” means the amount equal to—

14 (A) the national average breakfast pay-
15 ment for free breakfast under section
16 4(b)(1)(B) of the Child Nutrition Act of 1966
17 (42 U.S.C. 1773(b)(1)(B)) (as adjusted pursu-
18 ant to section 11(a) of the Richard B. Russell
19 National School Lunch Act (42 U.S.C.
20 1759a(a))), plus

21 (B) in the case of a school food authority
22 that meets the requirements for severe need
23 under section 4(b)(2) of the Child Nutrition Act
24 of 1966 (42 U.S.C. 1773(b)(2)), the additional
25 payment amount specified under such section

1 (as adjusted pursuant to section 11(a) of the
2 Richard B. Russell National School Lunch Act
3 (42 U.S.C. 1759a(a))), plus

4 (C) the additional amount under section
5 4(b)(3) of the Child Nutrition Act of 1966 (42
6 U.S.C. 1773(b)(3)).

7 (2) FREE LUNCH RATE.—The term “free lunch
8 rate” means the amount equal to—

9 (A) the national average lunch rate under
10 section 4(b)(2) of the Richard B. Russell Na-
11 tional School Lunch Act (42 U.S.C.
12 1753(b)(2)) (as adjusted pursuant to section
13 11(a) of such Act (42 U.S.C. 1759a(a))), plus

14 (B) in the case of a school food authority
15 in which 60 percent or more of the lunches
16 served in the school lunch program during the
17 second preceding school year were served free
18 or at a reduced price, the additional payment
19 amount specified under section 4(b)(2) of such
20 Act (42 U.S.C. 1753(b)(2)), plus

21 (C) in the case of a school food authority
22 that is determined eligible under subparagraph
23 (D) of section 4(b)(3) of such Act (42 U.S.C.
24 1753(b)(3)), the additional payment amount
25 specified in subparagraph (C)(i) of such section

1 (as adjusted pursuant to section 11(a) of such
2 Act (42 U.S.C. 1759a(a))), plus

3 (D) the applicable special assistance factor
4 under section 11(a)(2) of such Act (42 U.S.C.
5 1759a(a)(2)) (as adjusted pursuant to section
6 11(a) of such Act (42 U.S.C. 1759a(a))).

7 (3) SECRETARY.—The term “Secretary” means
8 the Secretary of Agriculture.

9 **SEC. 3. ELIGIBILITY UNDER OTHER CHILD NUTRITION**
10 **PROGRAMS DURING SCHOOL YEAR 2020–2021.**

11 (a) IN GENERAL.—Notwithstanding any other provi-
12 sion of law, during school year 2020–2021, each child en-
13 rolled in a school that participates in the school lunch pro-
14 gram under the Richard B. Russell National School Lunch
15 Act (42 U.S.C. 1751 et seq.) or in the school breakfast
16 program under section 4 of the Child Nutrition Act of
17 1966 (42 U.S.C. 1773) shall be treated under a qualified
18 child nutrition program as a child certified eligible (with-
19 out application) for free school meals.

20 (b) QUALIFIED CHILD NUTRITION PROGRAM DE-
21 FINED.—In this section, the term “qualified child nutri-
22 tion program” means—

23 (1) the summer food service program for chil-
24 dren under section 13(a)(1)(A)(i) of the Richard B.

1 Russell National School Lunch Act (42 U.S.C.
2 1761(a)(1)(A)(i));

3 (2) the program for at-risk school children
4 under section 17(r) of the Richard B. Russell Na-
5 tional School Lunch Act (42 U.S.C. 1766(r)); and

6 (3) the meal supplements for children in after-
7 school care program under section 17A of the Rich-
8 ard B. Russell National School Lunch Act (42
9 U.S.C. 1766a).

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