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(Original Signature of Member)

117TH CONGRESS  
1ST SESSION

# H. R.

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To amend the Richard B. Russell National School Lunch Act to allow direct certification of children in households of active duty members of the Armed Forces for certain Federal school meal programs, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. LEVIN of California introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# A BILL

To amend the Richard B. Russell National School Lunch Act to allow direct certification of children in households of active duty members of the Armed Forces for certain Federal school meal programs, 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 “Military Dependents  
5 School Meal Eligibility Act of 2021”.

1 **SEC. 2. DIRECT CERTIFICATION FOR DEPENDENT CHIL-**  
2 **DREN OF ACTIVE DUTY MEMBERS OF THE**  
3 **ARMED FORCES.**

4 (a) IN GENERAL.—Section 9 of the Richard B. Rus-  
5 sell National School Lunch Act (42 U.S.C. 1758) is  
6 amended—

7 (1) in subsection (b)—

8 (A) in paragraph (5)—

9 (i) by striking “CERTIFICATION.—  
10 Subject to paragraph (6), any local edu-  
11 cational agency” and inserting the fol-  
12 lowing: “CERTIFICATION.—

13 “(A) FREE LUNCHESES OR BREAKFASTS.—  
14 Subject to paragraph (6), any local educational  
15 agency or, in the case of a school that is oper-  
16 ated by the Department of Defense Education  
17 Activity, the administration of such school,”;

18 (ii) by redesignating subparagraphs  
19 (A) through (D) as clauses (i) through (iv)  
20 and adjusting the margins accordingly;

21 (iii) in clause (iv), as so redesignated,  
22 by striking “or” at the end;

23 (iv) by inserting after clause (iv), as  
24 so redesignated, the following:

25 “(v) a member of a household in  
26 which a child is a dependent of an active

1 duty member of the Armed Forces and  
2 such active duty member has a military in-  
3 come (as defined in paragraph (16)(C))  
4 that does not exceed 130 percent of the  
5 poverty line (as defined by the Office of  
6 Management and Budget).”;

7 (v) in subparagraph (E)—

8 (I) by redesignating such sub-  
9 paragraph as clause (vi) and adjusting  
10 the margins accordingly; and

11 (II) by redesignating clauses (i)  
12 and (ii) of such subparagraph as sub-  
13 clauses (I) and (II) and adjusting the  
14 margins accordingly; and

15 (vi) by adding at the end the fol-  
16 lowing:

17 “(B) REDUCED PRICE LUNCHEES OR  
18 BREAKFASTS.—Subject to paragraph (6), any  
19 local educational agency may certify any child  
20 who is not eligible for free school lunch or  
21 breakfast as eligible for reduced price lunches  
22 or breakfasts, without further application, by  
23 directly communicating with the appropriate  
24 State or local agency to obtain documentation  
25 of the status of the child as a member of a

1 household in which a child is a dependent of an  
2 active duty member of the Armed Forces and  
3 such active duty member has a military income  
4 (as defined in paragraph (16)(C)) that does not  
5 exceed 185 percent of the poverty line (as de-  
6 fined by the Office of Management and Budg-  
7 et).”;

8 (B) in paragraph (6)(A)—

9 (i) in clause (iv)(II), by striking  
10 “and” at the end;

11 (ii) in clause (v), by striking the pe-  
12 riod at the end and inserting “; and”; and

13 (iii) by adding at the end the fol-  
14 lowing:

15 “(vi) a person directly connected with  
16 the administration or enforcement of the  
17 Department of Defense Integrated Per-  
18 sonnel and Pay System.”; and

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

20 “(16) DIRECT CERTIFICATION FOR DEPENDENT  
21 CHILDREN OF ACTIVE DUTY MEMBERS OF THE  
22 ARMED FORCES.—

23 “(A) AGREEMENT.—

24 “(i) IN GENERAL.—For purposes of  
25 making eligibility determinations with re-

1           spect to certifying children under subpara-  
2           graph (A)(v) or (B) of paragraph (5), a  
3           State agency shall enter into an agreement  
4           with the Secretary of Defense.

5           “(ii) WITHOUT FURTHER APPLICA-  
6           TION.—Subject to paragraph (6), the  
7           agreement described in clause (i) shall es-  
8           tablish procedures for certifying children  
9           under subparagraph (A)(v) or (B) of para-  
10          graph (5), without further application (as  
11          defined in paragraph (4)(G)).

12          “(B) ACCESS TO DATA.—For purposes of  
13          carrying out this paragraph and subparagraph  
14          (A)(v) or (B) of paragraph (5), the Secretary of  
15          Defense shall provide the Secretary with access  
16          to non-classified income information as may be  
17          necessary to determine the military income of  
18          an active duty member of the Armed Forces.

19          “(C) MILITARY INCOME.—

20          “(i) MILITARY INCOME DEFINED.—  
21          For purposes of this subsection, the term  
22          ‘military income’ means, with respect to an  
23          active duty member of the Armed Forces,  
24          the basic pay, basic allowance for subsist-  
25          ence, bonuses, and special and incentive

1 payments of such member, as reported by  
2 the Department of Defense Integrated Per-  
3 sonnel and Pay System.

4 “(ii) SPECIAL RULE.—In the case of a  
5 child who is the dependent of one or more  
6 active duty members of the Armed Forces,  
7 the Secretary, in determining eligibility  
8 under subparagraph (A)(v) or (B) of para-  
9 graph (5), shall use the lesser of the mili-  
10 tary incomes of such members.”; and

11 (2) in subsection (d)(2)—

12 (A) in subparagraph (F)(ii), by striking  
13 the “or” at the end;

14 (B) in subparagraph (G), by striking the  
15 period at the end and inserting “; or”; and

16 (C) by adding at the end the following:

17 “(H) documentation has been provided to  
18 the appropriate local educational agency or ad-  
19 ministration of a school that is operated by the  
20 Department of Defense Education Activity  
21 showing the status of the child as a member of  
22 a household described in subparagraph (A)(v)  
23 or (B) of subsection (b)(5).”.

24 (b) CLARIFICATION.—Not later than 180 days after  
25 the date of the enactment of this Act, the Secretary shall

1 provide a process for a parent or guardian whose child  
2 is directly certified under subparagraph (A)(v) or (B) of  
3 section 9(b) of the Richard B. Russell National School  
4 Lunch Act (42 U.S.C. 1758(b)), as added by this section,  
5 to remove such certification.