

117TH CONGRESS
2D SESSION

S. _____

To amend the Families First Coronavirus Response Act to extend child nutrition waiver authority, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Ms. STABENOW (for herself and Mr. BOOZMAN) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To amend the Families First Coronavirus Response Act to extend child nutrition waiver authority, 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 “Keep Kids Fed Act
5 of 2022”.

6 **SEC. 2. SUPPORT FOR CHILD NUTRITION PROGRAMS.**

7 (a) IN GENERAL.—

8 (1) TEMPORARY LUNCH REIMBURSEMENT.—

9 Each lunch served under the school lunch program

1 authorized under the Richard B. Russell National
2 School Lunch Act (42 U.S.C. 1751 et seq.) shall re-
3 ceive additional reimbursement in the amount of 40
4 cents.

5 (2) TEMPORARY BREAKFAST REIMBURSE-
6 MENT.—Each breakfast served under the school
7 breakfast program established by section 4 of the
8 Child Nutrition Act of 1966 (42 U.S.C. 1773) shall
9 receive additional reimbursement in the amount of
10 15 cents.

11 (3) LIMITATION.—The additional reimburse-
12 ment amounts authorized under this subsection shall
13 only be available for the school year beginning July
14 2022.

15 (4) TEMPORARY GUIDELINES.—Notwith-
16 standing any provision of the Richard B. Russell
17 National School Lunch Act (42 U.S.C. 1751 et seq.)
18 or the Child Nutrition Act of 1966 (42 U.S.C. 1771
19 et seq.), for the school year beginning July 2022,
20 the income guidelines for determining eligibility for
21 free lunch under the school lunch program author-
22 ized under the Richard B. Russell National School
23 Lunch Act (42 U.S.C. 1751 et seq.) and free break-
24 fast under the school breakfast program established
25 by section 4 of the Child Nutrition Act of 1966 (42

1 U.S.C. 1773) shall be 185 percent of the applicable
2 family size income levels contained in the nonfarm
3 income poverty guidelines prescribed by the Office of
4 Management and Budget, as adjusted annually in
5 accordance with section 9(b)(1)(B) of the Richard
6 B. Russell National School Lunch Act (42 U.S.C.
7 1758(b)(1)(B)).

8 (5) APPROPRIATIONS.—

9 (A) IN GENERAL.—There is appropriated,
10 out of any funds in the Treasury not otherwise
11 appropriated, such sums as are necessary to
12 carry out this subsection.

13 (B) DISBURSEMENT.—A State agency
14 shall disburse funds made available under sub-
15 paragraph (A) to school food authorities partici-
16 pating in the school meal programs described in
17 paragraphs (1) and (2).

18 (b) EXTENSION OF WAIVERS.—Section 2202 of the
19 Families First Coronavirus Response Act (42 U.S.C. 1760
20 note; Public Law 116–127) is amended—

21 (1) in subsection (a)(1)—

22 (A) in the matter preceding subparagraph
23 (A), by inserting “due to the COVID–19 pan-
24 demic” after “(42 U.S.C. 1760(l))”;

1 (B) in subparagraph (A), by striking
2 “and” after the semicolon and inserting “or”;
3 and

4 (C) by striking subparagraph (B) and in-
5 serting the following:

6 “(B) ensuring continuity of program oper-
7 ation under a qualified program.”;

8 (2) in subsection (d)—

9 (A) by striking paragraph (2); and

10 (B) by striking “the following:” in the
11 matter preceding paragraph (1) and all that fol-
12 lows through “A summary” in paragraph (1)
13 and inserting “a summary”; and

14 (3) by striking subsection (e) and inserting the
15 following:

16 “(e) SUNSET.—

17 “(1) NATIONWIDE WAIVERS.—The authority of
18 the Secretary to establish or grant a waiver under
19 subsection (a) shall expire on September 30, 2022.

20 “(2) WAIVER RESTRICTION.—After June 30,
21 2022, a waiver established or granted under sub-
22 section (a) shall only apply to schools or summer
23 food service program food service sites—

24 “(A) operating—

1 “(i) the qualified program described
2 in subsection (f)(1)(D); or

3 “(ii) the option described in section
4 13(a)(8) of the Richard B. Russell Na-
5 tional School Lunch Act (42 U.S.C.
6 1761(a)(8)); and

7 “(B) not operating the qualified program
8 described in subsection (f)(1)(A).

9 “(3) OTHER WAIVERS.—

10 “(A) CHILD AND ADULT CARE FOOD PRO-
11 GRAM WAIVER.—The authority of the Secretary
12 to establish or grant a waiver under subsection
13 (b) shall expire on June 30, 2022.

14 “(B) MEAL PATTERN WAIVER.—The au-
15 thority of the Secretary to establish or grant a
16 waiver under subsection (c) shall expire on
17 June 30, 2023.

18 “(4) LIMITATIONS.—A waiver authorized by the
19 Secretary under this section shall not be in effect
20 after the date on which the authority of the Sec-
21 retary to establish or grant that waiver under this
22 subsection expires.”.

23 (c) APPROPRIATION.—There are appropriated, out of
24 any funds in the Treasury not otherwise appropriated,
25 such sums as are necessary to provide waivers under sec-

1 tion 2202(a) of the Families First Coronavirus Response
2 Act (42 U.S.C. 1760 note; Public Law 116–127) that
3 apply—

4 (1) only during the months of May through
5 September in 2022; and

6 (2) to—

7 (A) the summer food service program for
8 children under section 13 of the Richard B.
9 Russell National School Lunch Act (42 U.S.C.
10 1761); or

11 (B) the option described in section
12 13(a)(8) of that Act (42 U.S.C. 1761(a)(8)).

13 (d) NATIONWIDE WAIVER FOR SCHOOL YEAR 2022-
14 2023.—

15 (1) IN GENERAL.—For purposes of school year
16 2022-2023, the Secretary of Agriculture may estab-
17 lish waivers under section 12(l) of the Richard B.
18 Russell National School Lunch Act (42 U.S.C.
19 1760(l))—

20 (A) on a nationwide basis; and

21 (B) without regard to the requirements
22 under paragraphs (1), (2), and (3) of such sec-
23 tion that a State or eligible service provider
24 shall submit an application for a waiver re-
25 quest.

1 (2) SUNSET.—A nationwide waiver established
2 by the Secretary of Agriculture under section 12(l)
3 of the Richard B. Russell National School Lunch
4 Act (42 U.S.C. 1760(l)) pursuant to paragraph (1)
5 shall not be in effect after June 30, 2023.

6 **SEC. 3. CHILD AND ADULT CARE FOOD PROGRAM.**

7 (a) IN GENERAL.—

8 (1) TEMPORARY ADDITIONAL REIMBURSEMENT
9 FOR 2022-2023 SCHOOL YEAR.—Each meal and sup-
10 plement served under the program authorized by
11 section 17 of the Richard B. Russell National School
12 Lunch Act (42 U.S.C. 1766) shall receive additional
13 reimbursement in the amount of 10 cents.

14 (2) LIMITATION.—The additional reimburse-
15 ment amount authorized under paragraph (1) shall
16 only be available for the school year beginning July
17 2022.

18 (b) TIER DETERMINATIONS FOR 2022-2023 SCHOOL
19 YEAR.—For the school year beginning July 2022, a tier
20 II family or group day care home described in subsection
21 (f)(3)(A)(iii) of section 17 of the Richard B. Russell Na-
22 tional School Lunch Act (42 U.S.C. 1766) shall be consid-
23 ered a tier I family or group day care home for purposes
24 of the program authorized under that section.

1 (c) APPROPRIATIONS.—There are appropriated, out
2 of any funds in the Treasury not otherwise appropriated,
3 such sums as are necessary to carry out this section.

4 **SEC. 4. RESCISSIONS AND SUNSET.**

5 (a) RESCISSIONS.—

6 (1) USDA.—

7 (A) Of the unobligated balances from
8 amounts made available to the Department of
9 Agriculture in section 1001(a) of the American
10 Rescue Plan Act of 2021 (7 U.S.C. 7501 note;
11 Public Law 117–2), \$1,000,000,000 are hereby
12 permanently rescinded.

13 (B) Of the unobligated balances from
14 amounts made available to the Department of
15 Agriculture in section 751 of division N of the
16 Consolidated Appropriations Act, 2021 (Public
17 Law 116–260; 134 Stat. 2105), \$400,000,000
18 are hereby permanently rescinded.

19 (2) DEPARTMENT OF EDUCATION.—Of the un-
20 obligated balances from amounts made available to
21 the Department of Education in section 2003 of title
22 II of the American Rescue Plan Act of 2021 (Public
23 Law 117–2; 135 Stat. 23) and allocated to institu-
24 tions of higher education as defined in section
25 102(b) of the Higher Education Act of 1965 (20

1 U.S.C. 1002(b)), \$400,000,000 are hereby perma-
2 nently rescinded.

3 (3) SBA.—Of the unobligated balances from
4 amounts made available to the Small Business Ad-
5 ministration in section 5005 of the American Rescue
6 Plan Act of 2021 (Public Law 117–2; 135 Stat. 91)
7 and in section 323(d)(1)(H) of division N of the
8 Consolidated Appropriations Act, 2021 (Public Law
9 116–260; 134 Stat. 2021) to carry out section 324
10 of such division of such Act (15 U.S.C. 9009a),
11 \$1,500,000,000 are hereby permanently rescinded.

12 (b) ADDITIONAL RESCISSION.—Of the unobligated
13 balances from amounts made available to the Department
14 of Agriculture under the heading “Agricultural Pro-
15 grams—Office of the Secretary” in title I of division B
16 of the Coronavirus Aid, Relief, and Economic Security Act
17 (Public Law 116–136; 134 Stat. 505), \$600,000,000 are
18 hereby permanently rescinded.

19 (c) SUNSET.—Section 756 of division N of the Con-
20 solidated Appropriations Act, 2021 (7 U.S.C. 2254c), is
21 amended by striking “for fiscal year” and all that follows
22 through “thereafter” and inserting “for each of fiscal
23 years 2021 and 2022”.

1 **SEC. 5. OPERATIONALLY READY.**

2 The Secretary of Agriculture shall ensure that tech-
3 nical assistance is made available to States and school food
4 authorities for purposes of assisting parents and school
5 leaders with respect to the transition of operating school
6 meal programs not pursuant to a waiver under section
7 2(d) or section 2202 of the Families First Coronavirus
8 Response Act (42 U.S.C. 1760 note; Public Law 116–
9 127).