117th CONGRESS  
2d Session

S.

To amend the Families First Coronavirus Response Act to extend child nutrition waiver authority.

IN THE SENATE OF THE UNITED STATES

Ms. Stabenow (for herself, Ms. Murkowski, Mr. Heinrich, Ms. Collins, Mr. Manchin, Ms. Sinema, Mrs. Gillibrand, Mr. Casey, Mr. Van Hollen, Ms. Smith, Mr. Brown, Ms. Baldwin, Mr. Booker, Mr. Luján, Ms. Klobuchar, Mr. Durbin, Mr. Warnock, Mr. Markey, Ms. Hirono, Ms. Duckworth, Mr. Sanders, Mr. Reed, Mr. Leahy, Mr. Wyden, Mrs. Shaheen, Ms. Hassan, Mr. Bennet, Mr. Merkley, Ms. Warren, Mr. Padilla, Mr. Warner, Mrs. Murray, Mr. Cardin, Mr. Coons, Ms. Cortez Masto, Mr. Carper, Mr. Schatz, Mr. Peters, Mr. King, Mrs. Feinstein, Ms. Rosen, Mr. Menendez, Mr. Kaine, Mr. Blumenthal, Mr. Murphy, Mr. Hickenlooper, Mr. Whitehouse, Mr. Kelly, Mr. Ossoff, Mr. Tester, Mr. Schumer, and Ms. Cantwell) 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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Support Kids Not Red Tape Act of 2022”.

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SEC. 2. EXTENDING CHILD NUTRITION WAIVER AUTHORITY.

Section 2202 of the Families First Coronavirus Response Act (42 U.S.C. 1760 note; Public Law 116–127) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting “due to the COVID–19 pandemic” after “(42 U.S.C. 1760(l))”;

(ii) in subparagraph (A), by striking “and” after the semicolon and inserting “or”; and

(iii) by striking subparagraph (B) and inserting the following:

“(B) ensuring continuity of program operation under a qualified program.”;

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting “and subject to paragraph (3)” after “(42 U.S.C. 1760(1))”; and

(ii) in subparagraph (B) by striking “such section” and inserting “section 12(l) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(l))”; and
(C) by adding at the end the following:

“(3) Transition Plan.—A State that elects to be subject to a waiver under paragraph (2) that alters the operation of a qualified program described in subparagraph (A) or (B) of subsection (g)(1) during the 2022-2023 school year shall submit to the Secretary a transition plan by November 1, 2022.

“(4) Technical Assistance.—

“(A) In general.—The Secretary shall provide technical assistance to assist school food authorities in meeting nutrition standards during the period in which a waiver established under paragraph (1) is in effect.

“(B) Technical Assistance for Regular Operation.—Not later than September 30, 2022, the Secretary shall issue technical assistance to States relating to the statutory and regulatory requirements that a State shall be required to meet to resume regular operation of each qualified program for the 2023-2024 school year.”;

(2) by redesignating subsections (d) through (f) as subsections (e) through (g), respectively;

(3) by inserting after subsection (c) the following:
“(d) STATE ACTION.—If the Secretary issues a waiver under this section for meals served under a qualified program for school year 2022-2023, a State, during the period in which the waiver is in effect—

“(1) shall provide technical assistance or guidance in lieu of fiscal action for meal pattern violations due to supply chain disruptions;

“(2) shall not take fiscal action for meal pattern violations due to supply chain disruptions; and

“(3) shall not, in applying fiscal action in any subsequent school year, consider meal pattern violations that occurred due to supply chain disruptions during that period.”;

(4) in subsection (e) (as so redesignated)—

(A) by striking paragraph (2); and

(B) by striking “the following:” in the matter preceding paragraph (1) and all that follows through “A summary” in paragraph (1) and inserting “a summary”;

(5) in subsection (f) (as so redesignated)—

(A) by striking “The authority” and inserting the following:

“(1) IN GENERAL.—The authority”;

(B) in paragraph (1) (as so designated), by striking “June 30” and all that follows through
the period at the end and inserting “September 30, 2023.”; and

(C) by adding at the end the following:

“(2) LIMITATION.—A waiver authorized by the Secretary under this section may not be in effect after September 30, 2023.

“(3) RETURN TO REGULAR OPERATION.—Beginning on October 1, 2023, each qualified program for which a waiver is authorized under this section shall resume regular operation.”;

(6) in subsection (g) (as so redesignated)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following:

“(2) REGULAR OPERATION.—The term ‘regular operation’, with respect to a qualified program, means the operation of the qualified program as if this section was not in effect.”; and

(7) by adding at the end the following:

“(h) FUNDING.—

“(1) IN GENERAL.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, such sums as are necessary to carry out this section.
“(2) **Emergency Designation.**—

“(A) **In General.**—The amounts provided by paragraph (1) are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

“(B) **Designation in Senate.**—In the Senate, this section is designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.”.