

117TH CONGRESS
2D SESSION

S. 3979

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

IN THE SENATE OF THE UNITED STATES

MARCH 31, 2022

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 Agriculture, Nutrition, and Forestry

A BILL

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

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 “Support Kids Not Red
5 Tape Act of 2022”.

1 **SEC. 2. EXTENDING CHILD NUTRITION WAIVER AUTHOR-**
2 **ITY.**

3 Section 2202 of the Families First Coronavirus Re-
4 sponse Act (42 U.S.C. 1760 note; Public Law 116–127)
5 is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (1)—

8 (i) in the matter preceding subpara-
9 graph (A), by inserting “due to the
10 COVID–19 pandemic” after “(42 U.S.C.
11 1760(l))”;

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

15 (iii) by striking subparagraph (B) and
16 inserting the following:
17 “(B) ensuring continuity of program oper-
18 ation under a qualified program.”;

19 (B) in paragraph (2)—

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

23 (ii) in subparagraph (B) by striking
24 “such section” and inserting “section 12(l)
25 of the Richard B. Russell National School
26 Lunch Act (42 U.S.C. 1760(l))”; and

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

2 “(3) TRANSITION PLAN.—A State that elects to
3 be subject to a waiver under paragraph (2) that al-
4 ters the operation of a qualified program described
5 in subparagraph (A) or (B) of subsection (g)(1) dur-
6 ing the 2022–2023 school year shall submit to the
7 Secretary a transition plan by November 1, 2022.

8 “(4) TECHNICAL ASSISTANCE.—

9 “(A) IN GENERAL.—The Secretary shall
10 provide technical assistance to assist school food
11 authorities in meeting nutrition standards dur-
12 ing the period in which a waiver established
13 under paragraph (1) is in effect.

14 “(B) TECHNICAL ASSISTANCE FOR REG-
15 ULAR OPERATION.—Not later than September
16 30, 2022, the Secretary shall issue technical as-
17 sistance to States relating to the statutory and
18 regulatory requirements that a State shall be
19 required to meet to resume regular operation of
20 each qualified program for the 2023–2024
21 school year.”;

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

24 (3) by inserting after subsection (c) the fol-
25 lowing:

1 “(d) STATE ACTION.—If the Secretary issues a waiver
 2 er under this section for meals served under a qualified
 3 program for school year 2022–2023, a State, during the
 4 period in which the waiver is in effect—

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

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

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

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

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

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

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

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

23 “(1) IN GENERAL.—The authority”;

24 (B) in paragraph (1) (as so designated), by
 25 striking “June 30” and all that follows through

1 the period at the end and inserting “September
2 30, 2023.”; and

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

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

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

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

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

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

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

20 (7) by adding at the end the following:

21 “(h) FUNDING.—

22 “(1) IN GENERAL.—There is appropriated, out
23 of any funds in the Treasury not otherwise appro-
24 priated, such sums as are necessary to carry out this
25 section.

1 “(2) EMERGENCY DESIGNATION.—

2 “(A) IN GENERAL.—The amounts provided
3 by paragraph (1) are designated as an emer-
4 gency requirement pursuant to section 4(g) of
5 the Statutory Pay-As-You-Go Act of 2010 (2
6 U.S.C. 933(g)).

7 “(B) DESIGNATION IN SENATE.—In the
8 Senate, this section is designated as an emer-
9 gency requirement pursuant to section 4112(a)
10 of H. Con. Res. 71 (115th Congress), the con-
11 current resolution on the budget for fiscal year
12 2018.”.

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