

117TH CONGRESS
2D SESSION

H. R. 8150

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 2022

Mr. SCOTT of Virginia introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committees on Appropriations, Small Business, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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.—

1 (1) TEMPORARY LUNCH REIMBURSEMENT.—
2 Each lunch served under the school lunch program
3 authorized under the Richard B. Russell National
4 School Lunch Act (42 U.S.C. 1751 et seq.) shall re-
5 ceive an additional reimbursement in the amount of
6 40 cents.

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

13 (3) LIMITATION.—The additional reimburse-
14 ment amounts authorized under this subsection shall
15 only be available for the school year beginning July
16 2022.

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

1 fast under the school breakfast program established
2 by section 4 of the Child Nutrition Act of 1966 (42
3 U.S.C. 1773) shall be 185 percent of the applicable
4 family size income levels contained in the nonfarm
5 income poverty guidelines prescribed by the Office of
6 Management and Budget, as adjusted annually in
7 accordance with section 9(b)(1)(B) of the Richard
8 B. Russell National School Lunch Act (42 U.S.C.
9 1758(b)(1)(B)).

10 (5) APPROPRIATIONS.—

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

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

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

23 (1) in subsection (a)(1)—

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

4 (B) in subparagraph (A), by striking
5 “and” after the semicolon and inserting “or”;
6 and

7 (C) by striking subparagraph (B) and in-
8 serting the following:

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

11 (2) in subsection (d)—

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

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

17 (3) by striking subsection (e) and inserting the
18 following:

19 “(e) SUNSET.—

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

23 “(2) WAIVER RESTRICTION.—After June 30,
24 2022, a waiver established or granted under sub-

1 section (a) shall only apply to schools or summer
2 food service program food service sites—

3 “(A) operating—

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

6 “(ii) the option described in section
7 13(a)(8) of the Richard B. Russell Na-
8 tional School Lunch Act (42 U.S.C.
9 1761(a)(8)); and

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

12 “(3) OTHER WAIVERS.—

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

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

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

1 (c) APPROPRIATION.—There are appropriated, out of
2 any funds in the Treasury not otherwise appropriated,
3 such sums as are necessary to provide waivers under sec-
4 tion 2202(a) of the Families First Coronavirus Response
5 Act (42 U.S.C. 1760 note; Public Law 116–127) that
6 apply—

7 (1) only during the months of May through
8 September in 2022; and

9 (2) to—

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

14 (B) the option described in section
15 13(a)(8) of that Act (42 U.S.C. 1761(a)(8)).

16 (d) NATIONWIDE WAIVER FOR SCHOOL YEAR 2022–
17 2023.—

18 (1) IN GENERAL.—For purposes of school year
19 2022–2023, the Secretary of Agriculture may estab-
20 lish waivers under section 12(l) of the Richard B.
21 Russell National School Lunch Act (42 U.S.C.
22 1760(l))—

23 (A) on a nationwide basis; and

24 (B) without regard to the requirements
25 under paragraphs (1), (2), and (3) of such sec-

1 tion that a State or eligible service provider
2 shall submit an application for a waiver re-
3 quest.

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

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

10 (a) IN GENERAL.—

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

17 (2) LIMITATION.—The additional reimburse-
18 ment amount authorized under paragraph (1) shall
19 only be available for the school year beginning July
20 2022.

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

1 ered a tier I family or group day care home for purposes
2 of the program authorized under that section.

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

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

7 (a) RESCISSIONS.—

8 (1) USDA.—

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

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

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

1 tions of higher education as defined in section
2 102(b) of the Higher Education Act of 1965 (20
3 U.S.C. 1002(b)), \$400,000,000 are hereby perma-
4 nently rescinded.

5 (3) SBA.—Of the unobligated balances from
6 amounts made available to the Small Business Ad-
7 ministration in section 5005 of the American Rescue
8 Plan Act of 2021 (Public Law 117–2; 135 Stat. 91)
9 and in section 323(d)(1)(H) of division N of the
10 Consolidated Appropriations Act, 2021 (Public Law
11 116–260; 134 Stat. 2021) to carry out section 324
12 of such division of such Act (15 U.S.C. 9009a),
13 \$1,500,000,000 are hereby permanently rescinded.

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

21 (c) SUNSET.—Section 756 of division N of the Con-
22 solidated Appropriations Act, 2021 (7 U.S.C. 2254c), is
23 amended by striking “for fiscal year” and all that follows
24 through “thereafter” and inserting “for each of fiscal
25 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).

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