

117TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

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

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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 \_\_\_\_\_

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**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           ance 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.”.