

In the Senate of the United States,

June 23, 2022.

Resolved, That the Senate agree to the amendment of the House of Representatives to the title of the bill (S. 2089) entitled “An Act to amend the Families First Coronavirus Response Act to extend child nutrition waiver authority, and for other purposes.”, and be it further

Resolved, That the Senate agree to the amendment of the House of Representatives to the text of the aforementioned bill with the following

SENATE AMENDMENT TO HOUSE AMENDMENT:

In lieu of the matter proposed to be inserted, insert the following:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Keep Kids Fed Act of*
3 *2022”.*

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

5 *(a) IN GENERAL.—*

6 *(1) TEMPORARY LUNCH REIMBURSEMENT.—Each*
7 *lunch served under the school lunch program author-*

1 *ized under the Richard B. Russell National School*
 2 *Lunch Act (42 U.S.C. 1751 et seq.) shall receive addi-*
 3 *tional reimbursement in the amount of 40 cents.*

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

9 (3) *LIMITATION.—The additional reimbursement*
 10 *amounts authorized under this subsection shall only*
 11 *be available for the school year beginning July 2022.*

12 (4) *APPROPRIATIONS.—*

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

17 (B) *DISBURSEMENT.—A State agency shall*
 18 *disburse funds made available under subpara-*
 19 *graph (A) to school food authorities partici-*
 20 *pating in the school meal programs described in*
 21 *paragraphs (1) and (2).*

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

25 (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 “and”
5 after the semicolon and inserting “or”; and

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

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

10 (2) in subsection (d)—

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

12 (B) by striking “the following:” in the mat-
13 ter preceding paragraph (1) and all that follows
14 through “A summary” in paragraph (1) and in-
15 serting “a summary”; and

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

18 “(e) SUNSET.—

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

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

1 “(A) operating—

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

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

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

10 “(3) OTHER WAIVERS.—

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

15 “(B) MEAL PATTERN WAIVER.—The author-
16 ity of the Secretary to establish or grant a waiv-
17 er under subsection (c) shall expire on June 30,
18 2023.

19 “(4) LIMITATIONS.—A waiver authorized by the
20 Secretary under this section shall not be in effect after
21 the date on which the authority of the Secretary to es-
22 tablish or grant that waiver under this subsection ex-
23 pires.”.

24 (c) APPROPRIATION.—There are appropriated, out of
25 any funds in the Treasury not otherwise appropriated, such

1 *sums as are necessary to provide waivers under section*
 2 *2202(a) of the Families First Coronavirus Response Act (42*
 3 *U.S.C. 1760 note; Public Law 116–127) that apply—*

4 *(1) only during the months of May through Sep-*
 5 *tember in 2022; and*

6 *(2) to—*

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

11 *(B) the option described in section 13(a)(8)*
 12 *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 establish*
 17 *waivers under section 12(l) of the Richard B. Russell*
 18 *National School Lunch Act (42 U.S.C. 1760(l))—*

19 *(A) on a nationwide basis; and*

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

24 *(2) SUNSET.—A nationwide waiver established*
 25 *by the Secretary of Agriculture under section 12(l) of*

1 *the Richard B. Russell National School Lunch Act*
 2 *(42 U.S.C. 1760(l)) pursuant to paragraph (1) shall*
 3 *not be in effect after June 30, 2023.*

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

5 *(a) IN GENERAL.—*

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

12 *(2) LIMITATION.—The additional reimbursement*
 13 *amount authorized under paragraph (1) shall only be*
 14 *available for the school year beginning July 2022.*

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

22 *(c) APPROPRIATIONS.—There are appropriated, out of*
 23 *any funds in the Treasury not otherwise appropriated, such*
 24 *sums as are necessary to carry out this section.*

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

2 (a) *RESCISSIONS.*—

3 (1) *USDA.*—

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

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

16 (2) *DEPARTMENT OF EDUCATION.*—*Of the unob-*
17 *ligated balances from amounts made available to the*
18 *Department of Education in section 2003 of title II*
19 *of the American Rescue Plan Act of 2021 (Public Law*
20 *117–2; 135 Stat. 23) and allocated to institutions of*
21 *higher education as defined in section 102(b) of the*
22 *Higher Education Act of 1965 (20 U.S.C. 1002(b)),*
23 *\$400,000,000 are hereby permanently rescinded.*

24 (3) *SBA.*—*Of the unobligated balances from*
25 *amounts made available to the Small Business Ad-*
26 *ministration in section 5005 of the American Rescue*

1 *Plan Act of 2021 (Public Law 117–2; 135 Stat. 91)*
2 *and in section 323(d)(1)(H) of division N of the Con-*
3 *solidated Appropriations Act, 2021 (Public Law 116–*
4 *260; 134 Stat. 2021) to carry out section 324 of such*
5 *division of such Act (15 U.S.C. 9009a),*
6 *\$1,200,000,000 are hereby permanently rescinded.*

7 *(b) ADDITIONAL RESCISSION.—Of the unobligated bal-*
8 *ances from amounts made available to the Department of*
9 *Agriculture under the heading “Agricultural Programs—*
10 *Office of the Secretary” in title I of division B of the*
11 *Coronavirus Aid, Relief, and Economic Security Act (Pub-*
12 *lic Law 116–136; 134 Stat. 505), \$600,000,000 are hereby*
13 *permanently rescinded.*

14 *(c) SUNSET.—Section 756 of division N of the Consoli-*
15 *dated Appropriations Act, 2021 (7 U.S.C. 2254c), is*
16 *amended by striking “for fiscal year” and all that follows*
17 *through “thereafter” and inserting “for each of fiscal years*
18 *2021 and 2022”.*

19 **SEC. 5. OPERATIONALLY READY.**

20 *The Secretary of Agriculture shall ensure that tech-*
21 *nical assistance is made available to States and school food*
22 *authorities for purposes of assisting parents and school*
23 *leaders with respect to the transition of operating school*
24 *meal programs not pursuant to a waiver under section 2(d)*

- 1 *or section 2202 of the Families First Coronavirus Response*
- 2 *Act (42 U.S.C. 1760 note; Public Law 116–127).*

Attest:

Secretary.

ONE HUNDRED
SEVENTEENTH
CONGRESS OF THE
UNITED STATES OF
AMERICA
2D SESS.

S. 2089

**SENATE AMENDMENT TO
HOUSE AMENDMENT**