

117TH CONGRESS
1ST SESSION

S. 2005

To amend the Richard B. Russell National School Lunch Act to require alternative options for summer food service program delivery.

IN THE SENATE OF THE UNITED STATES

JUNE 10, 2021

Mr. BOOZMAN (for himself, Mr. LEAHY, Mr. McCONNELL, Mr. BENNET, Mr. CORNYN, Mr. BROWN, Mr. HOEVEN, Mrs. HYDE-SMITH, Mrs. FISCHER, Mr. MORAN, Mr. BLUNT, Mr. MARSHALL, Mr. GRASSLEY, and Mr. THUNE) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Richard B. Russell National School Lunch Act to require alternative options for summer food service program delivery.

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 “Hunger-Free Summer
5 for Kids Act of 2021”.

1 **SEC. 2. ALTERNATIVE OPTIONS FOR SUMMER FOOD SERV-**
2 **ICE PROGRAM DELIVERY.**

3 Section 13 of the Richard B. Russell National School
4 Lunch Act (42 U.S.C. 1761) is amended—

5 (1) in subsection (a), by adding at the end the
6 following:

7 “(13) ALTERNATIVE OPTIONS FOR PROGRAM
8 DELIVERY.—

9 “(A) PURPOSE.—The purpose of this para-
10 graph is to establish the alternative program
11 delivery options described in subparagraph
12 (B)—

13 “(i) to provide meals to children that
14 do not have readily available access to
15 meals otherwise provided under this sec-
16 tion; and

17 “(ii)(I) to increase program participa-
18 tion, effectiveness, and efficiency;

19 “(II) to improve child nutrition; and

20 “(III) to reduce food insecurity among
21 children.

22 “(B) ALTERNATIVE OPTIONS.—The Sec-
23 retary shall establish the following 2 alternative
24 options for program delivery:

25 “(i) Provision of an electronic benefit
26 transfer card (referred to in this para-

graph as an ‘EBT card’) in accordance
with subparagraph (C).

“(ii) Off-site consumption in accordance with subparagraph (D).

“(C) EBT CARD.—

“(i) IN GENERAL.—Beginning not later than summer 2023, the Secretary shall make available an option to States to provide program meals under this section through the issuance of EBT cards to the households of eligible children, determined in accordance with clause (iv), for the benefit of those eligible children.

“(ii) AMOUNT.—

“(I) IN GENERAL.—Subject to subclause (III), the value of an EBT card provided under this subparagraph shall be \$30 per eligible child per month.

“(II) ANNUAL LIMITATION.—No household of an eligible child shall receive benefits under this subparagraph for more than 3 months in a summer period.

1 “(III) ADJUSTMENT.—On Janu-
2 ary 1 of each year, the Secretary shall
3 adjust the values described in sub-
4 clauses (I) and (II) by the same per-
5 centage as the adjustment made
6 under subsection (b)(1)(B).

7 “(iii) USE OF BENEFITS.—

8 “(I) IN GENERAL.—An EBT
9 card issued under this subparagraph
10 may be used only for the purchase of
11 food from retail stores approved for
12 participation in the supplemental nu-
13 trition assistance program established
14 under the Food and Nutrition Act of
15 2008 (7 U.S.C. 2011 et seq.).

16 “(II) BENEFIT REDEMPTION.—A
17 retail store shall redeem EBT card
18 benefits under this subparagraph in
19 the same manner that benefits are re-
20 deemed under the supplemental nutri-
21 tion assistance program described in
22 subclause (I).

23 “(III) TIMING.—An EBT card
24 issued under this subparagraph may
25 be used by a household for the benefit

1 of an eligible child only when school is
2 out of session for the summer period,
3 as defined by the Secretary.

4 “(iv) ELIGIBLE CHILDREN.—In ad-
5 ministering this subparagraph, the Sec-
6 retary shall ensure that an EBT card—

7 “(I) is only issued to a household
8 for the benefit of a child in that
9 household—

10 “(aa) who lives or attends
11 school—

12 “(AA) in a rural area,
13 as determined by the Sec-
14 retary; or

15 “(BB) outside an area
16 in which poor economic con-
17 ditions exist;

18 “(bb) who has been deter-
19 mined to be eligible for a free or
20 reduced price lunch under this
21 Act and a free or reduced price
22 breakfast under section 4 of the
23 Child Nutrition Act of 1966 (42
24 U.S.C. 1773); and

1 “(cc) in accordance with,
 2 with respect to the State in
 3 which the child resides—

4 “(AA) a State agency
 5 plan approved by the Sec-
 6 retary pursuant to section
 7 1101(b) of the Families
 8 First Coronavirus Response
 9 Act (7 U.S.C. 2011 note;
 10 Public Law 116–127); or

11 “(BB) an application
 12 process developed by the
 13 State; and

14 “(II) is not issued to a household
 15 for the benefit of a child living in an
 16 area in which a congregate open feed-
 17 ing site is operating, to prevent dupli-
 18 cation in benefits.

19 “(D) OFF-SITE CONSUMPTION.—

20 “(i) IN GENERAL.—Beginning not
 21 later than summer 2023, the Secretary
 22 shall make available an option to States to
 23 provide program meals under this section
 24 for off-site consumption.

1 “(ii) AVAILABILITY.—In admin-
2 istering this subparagraph, the Secretary
3 shall ensure that off-site consumption is
4 only available to a child if—

5 “(I) the child is determined to be
6 eligible for a free or reduced price
7 lunch under this Act and a free or re-
8 duced price breakfast under section 4
9 of the Child Nutrition Act of 1966
10 (42 U.S.C. 1773); and

11 “(II) not fewer than 1 of the con-
12 ditions described in clause (iii) is
13 present.

14 “(iii) CONDITIONS.—The conditions
15 referred to in clause (ii)(II) are the fol-
16 lowing:

17 “(I) The child lives or attends
18 school in a rural area, as determined
19 by the Secretary.

20 “(II) The child lives or attends
21 school outside an area in which poor
22 economic conditions exist.

23 “(III) The program is available
24 to the child at a congregate feeding
25 site but—

1 “(aa) the site is closed due
2 to extreme weather conditions;

3 “(bb) violence or other pub-
4 lic safety concerns in the area
5 prevent the child from traveling
6 safely to the site;

7 “(cc) the site is open not
8 more than 4 days a week; or

9 “(dd) the site provides only
10 1 meal per day.

11 “(iv) ADMINISTRATION.—In admin-
12 istering this subparagraph, the Secretary
13 shall ensure that—

14 “(I) any meal served through off-
15 site consumption—

16 “(aa) meets all applicable
17 State and local health, safety,
18 and sanitation standards; and

19 “(bb) meets the require-
20 ments under subsection (f)(1);

21 “(II) each State gives priority to
22 a child living in an area in which a
23 congregate open feeding site is not
24 reasonably accessible, as determined
25 by the Secretary;

1 “(III) the number of reimburs-
2 able meals served to each child in a
3 single meal service does not exceed
4 the total number of meals allowed for
5 reimbursement under the program
6 during a 10-day period; and

7 “(IV) meals may be provided by
8 entities that participated in a summer
9 meals demonstration project carried
10 out under section 749(g) of the Agri-
11 culture, Rural Development, Food and
12 Drug Administration, and Related
13 Agencies Appropriations Act, 2010
14 (Public Law 111–80; 123 Stat. 2132),
15 on the same terms and conditions as
16 provided under the demonstration
17 project.

18 “(E) SCOPE.—Under this paragraph, a
19 State—

20 “(i) may implement an alternative op-
21 tion described in subparagraph (B) in any
22 area described in subitem (AA) or (BB) of
23 subparagraph (C)(iv)(I)(aa) in the State;
24 but

1 “(ii) shall not simultaneously imple-
2 ment both alternative options described in
3 subparagraph (B) in the same area in the
4 State.

5 “(F) REGULATIONS.—Not later than Octo-
6 ber 1, 2022, the Secretary shall promulgate
7 regulations, with an opportunity for notice and
8 comment—

9 “(i) to ensure the integrity of the al-
10 ternative options for program delivery de-
11 scribed in subparagraph (B); and

12 “(ii) to prevent duplication in benefits
13 received under this paragraph.”; and

14 (2) in subsection (n)—

15 (A) by striking “and (6)” and inserting
16 “(6)”; and

17 (B) by striking the period at the end and
18 inserting “; and (7) the plans of the State for
19 using the alternative options for program deliv-
20 ery described in subsection (a)(13), if applica-
21 ble.”.

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