

117TH CONGRESS  
1ST SESSION

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

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

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IN THE SENATE OF THE UNITED STATES

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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 \_\_\_\_\_

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**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-

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

3 “(ii) Off-site consumption in accord-  
4 ance with subparagraph (D).

5 “(C) EBT CARD.—

6 “(i) IN GENERAL.—Beginning not  
7 later than summer 2023, the Secretary  
8 shall make available an option to States to  
9 provide program meals under this section  
10 through the issuance of EBT cards to the  
11 households of eligible children, determined  
12 in accordance with clause (iv), for the ben-  
13 efit of those eligible children.

14 “(ii) AMOUNT.—

15 “(I) IN GENERAL.—Subject to  
16 subclause (III), the value of an EBT  
17 card provided under this subpara-  
18 graph shall be \$30 per eligible child  
19 per month.

20 “(II) ANNUAL LIMITATION.—No  
21 household of an eligible child shall re-  
22 ceive benefits under this subparagraph  
23 for more than 3 months in a summer  
24 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.”.