

116TH CONGRESS
2D SESSION

H. R. 6801

To provide reimbursements for the emergency operational costs of school food authorities during the COVID–19 pandemic, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 2020

Ms. ADAMS (for herself, Mr. SCOTT of Virginia, Ms. FUDGE, Mr. MCGOVERN, Ms. WILSON of Florida, Mr. BUTTERFIELD, Mr. PAYNE, Ms. BARRAGÁN, Mrs. DINGELL, Ms. SCHAKOWSKY, Ms. WILD, Mr. GRIJALVA, Mrs. BUSTOS, Ms. PINGREE, Mr. THOMPSON of Mississippi, Mr. SMITH of Washington, Ms. GARCIA of Texas, Mrs. HAYES, Mr. RUSH, Mr. COX of California, and Mr. TED LIEU of California) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To provide reimbursements for the emergency operational costs of school food authorities during the COVID–19 pandemic, 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 “Funding Emergency
5 Eating Distribution for the Children” or the “FEED the
6 Children Act”.

1 **SEC. 2. EMERGENCY COSTS FOR CHILD NUTRITION PRO-**
2 **GRAMS DURING COVID-19 PANDEMIC.**

3 (a) USE OF CERTAIN APPROPRIATIONS TO COVER
4 EMERGENCY OPERATIONAL COSTS UNDER SCHOOL MEAL
5 PROGRAMS.—

6 (1) IN GENERAL.—

7 (A) REQUIRED ALLOTMENTS.—Notwith-
8 standing any other provision of law, the Sec-
9 retary shall allocate to each State that partici-
10 pates in the reimbursement program under
11 paragraph (3) such amounts as may be nec-
12 essary to carry out reimbursements under such
13 paragraph for each reimbursement month, in-
14 cluding, subject to paragraph (4)(B), adminis-
15 trative expenses necessary to make such reim-
16 bursements.

17 (B) GUIDANCE WITH RESPECT TO PRO-
18 GRAM.—Not later than 10 days after the date
19 of the enactment of this section, the Secretary
20 shall issue guidance with respect to the reim-
21 bursement program under paragraph (3).

22 (2) REIMBURSEMENT PROGRAM APPLICA-
23 TION.—To participate in the reimbursement pro-
24 gram under paragraph (3), not later than 30 days
25 after the date described in paragraph (1), a State
26 shall submit an application to the Secretary that in-

1 includes a plan to calculate and disburse reimburse-
2 ments under the reimbursement program under
3 paragraph (3).

4 (3) REIMBURSEMENT PROGRAM.—Using the
5 amounts allocated under paragraph (1)(A), a State
6 participating in the reimbursement program under
7 this paragraph shall make reimbursements for emer-
8 gency operational costs for each reimbursement
9 month as follows:

10 (A) For each new school food authority in
11 the State for the reimbursement month, an
12 amount equal to 55 percent of the amount
13 equal to—

14 (i) the average monthly amount such
15 new school food authority was reimbursed
16 under the reimbursement sections for
17 meals and supplements served by such new
18 school food authority during the alternate
19 period; minus

20 (ii) the amount such new school food
21 authority was reimbursed under the reim-
22 bursement sections for meals and supple-
23 ments served by such new school food au-
24 thority during such reimbursement month.

1 (B) For each school food authority not de-
2 scribed in subparagraph (A) in the State for
3 the reimbursement month, an amount equal to
4 55 percent of—

5 (i) the amount such school food au-
6 thority was reimbursed under the reim-
7 bursement sections for meals and supple-
8 ments served by such school food authority
9 for the month beginning one year before
10 such reimbursement month; minus

11 (ii) the amount such school food au-
12 thority was reimbursed under the reim-
13 bursement sections for meals and supple-
14 ments served by such school food authority
15 during such reimbursement month.

16 (4) TREATMENT OF FUNDS.—

17 (A) AVAILABILITY.—Funds allocated to a
18 State under paragraph (1)(A) shall remain
19 available until March 30, 2021.

20 (B) ADMINISTRATIVE EXPENSES.—A State
21 may reserve not more than 1 percent of the
22 funds allocated under paragraph (1)(A) for ad-
23 ministrative expenses to carry out this sub-
24 section.

1 (C) UNEXPENDED BALANCE.—On Sep-
2 tember 30, 2021, any amounts allocated to a
3 State under paragraph (1)(A) or reimbursed to
4 a school food authority or new school food au-
5 thority under paragraph (3) that are unex-
6 pended by such State, school food authority, or
7 new school food authority shall revert to the
8 Secretary.

9 (5) REPORTS.—Each State that carries out a
10 reimbursement program under paragraph (3) shall,
11 not later than September 30, 2021, submit a report
12 to the Secretary that includes a summary of the use
13 of such funds by the State and each school food au-
14 thority and new school food authority in such State.

15 (b) DEFINITIONS.—In this section:

16 (1) ALTERNATE PERIOD.—The term “alternate
17 period” means the period beginning January 1,
18 2020, and ending February 29, 2020.

19 (2) EMERGENCY OPERATIONAL COSTS.—The
20 term “emergency operational costs” means the costs
21 incurred by a school food authority or new school
22 food authority—

23 (A) during a public health emergency;

24 (B) that are related to the ongoing oper-
25 ation, modified operation, or temporary suspen-

1 sion of operation (including administrative
2 costs) of such school food authority or new
3 school food authority; and

4 (C) except as provided under subsection
5 (a), that are not reimbursed under a Federal
6 grant.

7 (3) NEW SCHOOL FOOD AUTHORITY.—The term
8 “new school food authority” means a school food au-
9 thority for which no reimbursements were made
10 under the reimbursement sections with respect to
11 the previous reimbursement period.

12 (4) PUBLIC HEALTH EMERGENCY.—The term
13 “public health emergency” means a public health
14 emergency declared pursuant to section 319 of the
15 Public Health Service Act (42 U.S.C. 247d) result-
16 ing from the COVID–19 pandemic.

17 (5) REIMBURSEMENT MONTH.—The term “re-
18 imbursement month” means March 2020, April
19 2020, May 2020, and June 2020.

20 (6) REIMBURSEMENT SECTIONS.—The term
21 “reimbursement sections” means—

22 (A) section 4(b), section 11(a)(2), section
23 13, and section 17A(c) of the Richard B. Rus-
24 sell National School Lunch Act (42 U.S.C.

1 1753(b); 42 U.S.C. 1759a(a)(2); 42 U.S.C.
2 1761; 42 U.S.C. 1766a(c)); and

3 (B) section 4 of the Child Nutrition Act
4 (42 U.S.C. 1773).

5 (7) SECRETARY.—The term “Secretary” means
6 the Secretary of Agriculture.

7 (8) STATE.— The term “State” has the mean-
8 ing given such term in section 12(d)(8) of the Rich-
9 ard B. Russell National School Lunch Act (42
10 U.S.C. 1760(d)(8)).

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