To modify nutrition programs to address the Coronavirus Disease 2019, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 22, 2020

Mr. CASEY introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To modify nutrition programs to address the Coronavirus Disease 2019, and for other purposes.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Food Assistance for Kids and Families During COVID-19 Act of 2020”.

SEC. 2. SUPPLEMENTAL NUTRITION ASSISTANCE PRO-
GRAM.

(a) DEFINITIONS.—In this section:

(1) PROGRAM.—The term “program” means the supplemental nutrition assistance program es-
tablished under the Food and Nutrition Act of 2008
(7 U.S.C. 2011 et seq.).

(2) SECRETARY.—The term “Secretary” means
the Secretary of Agriculture.

(b) PROGRAM MODIFICATIONS.—

(1) IN GENERAL.—In carrying out the program,
the Secretary shall—

(A) notify authorized program retailers of
existing opportunities through which retailers
can deliver groceries to program participants,
including by—

(i) allowing an EBT card (as defined
in section 3 of the Food and Nutrition Act
of 2008 (7 U.S.C. 2012)) to be swiped on
delivery of groceries to the home (with a
mobile device); and

(ii) preparing groceries for pick-up;

(B) authorize public-private partnerships
between the Department of Agriculture, author-
ized program retailers, and community-based
organizations to support grocery delivery, in-
cluding through the use of private funds; and

(C) in the case of an authorized program
retailer or a grocer that is unable to cover the
cost of grocery delivery for program partici-
pants, use funds made available under para-
graph (2) to support grocery delivery for pro-
gram participants who are seniors, immunocom-
promised individuals, or other individuals who
are unable to travel safely to a grocery store.

(2) FUNDING FOR DELIVERY.—

(A) IN GENERAL.—There is appropriated
to the Secretary, out of funds of the Treasury
not otherwise appropriated, $500,000,000 to
cover the cost of grocery delivery under para-
graph (1)(C).

(B) EMERGENCY REQUIREMENT.—The
amount made available under subparagraph (A)
is designated by the Congress as being for an
emergency requirement pursuant to section
251(b)(2)(A)(i) of the Balanced Budget and
Emergency Deficit Control Act of 1985 (2
U.S.C. 901(b)(2)(A)(i)).

(C) ADMINISTRATION.—A State agency
shall—

(i) pay for the cost of grocery delivery
under paragraph (1)(C) for an authorized
program retailer or grocer described in
that subparagraph; and
(ii) be reimbursed by the Secretary using funds appropriated under subparagraph (A).

(D) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amount appropriated under subparagraph (A), there are authorized to be appropriated to the Secretary such sums as are necessary to cover the cost of grocery delivery under paragraph (1)(C).

(3) TERMINATION OF AUTHORITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the authority of the Secretary to carry out paragraphs (1) and (2) shall terminate on the date on which the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the Coronavirus Disease 2019 (COVID-19) is terminated.

(B) REIMBURSEMENT.—The Secretary may reimburse State agencies under paragraph (2)(C)(ii) after the date described in subparagraph (A).

(C) RETURN OF FUNDS.—The Secretary shall return to the Treasury any funds appropriated under paragraph (2)(A) that have not
been used or obligated under paragraph (2)(C)(ii) by the date described in subpara-
graph (A).

(c) USE OF CERTAIN FUNDS.—Section 28(c)(3)(A) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036a(c)(3)(A)) is amended—

(1) in clause (ii), by striking “and” at the end;

(2) in clause (iii), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(iv) during a national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.), to distribute at a nonecongregate location, including at a school or through delivery, free or reduced price meals under the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).”.

SEC. 3. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN AND CHILDREN.

(a) CERTIFICATION OF INFANTS.—
(1) DEFINITION OF INFANT.—Section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)) is amended by striking paragraph (5) and inserting the following:

“(5) INFANT.—The term ‘infant’ means—

“(A) a person under 1 year of age; and

“(B) for purposes of subsection (d), a person under 2 years of age.”.

(2) CERTIFICATION.—Section 17(d)(3)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(3)(A)) is amended by adding at the end the following:

“(iv) INFANTS.—

“(I) IN GENERAL.—A State may elect to certify an infant for a period of not more than 2 years.

“(II) ASSESSMENTS.—In certifying an infant under subclause (I), a State shall ensure that the infant receives required health and nutrition assessments.”.

(b) EXTENSION OF POSTPARTUM PERIOD.—

(1) BREASTFEEDING WOMEN.—

(A) DEFINITION OF BREASTFEEDING WOMAN.—Section 17(b) of the Child Nutrition
Act of 1966 (42 U.S.C. 1786(b)) is amended by striking paragraph (1) and inserting the following:

“(1) BREASTFEEDING WOMAN.—The term ‘breastfeeding woman’ means—

“(A) a woman who is not more than 1 year postpartum and is breastfeeding the infant of the woman; and

“(B) for purposes of subsection (d), a woman who is not more than 2 years postpartum and is breastfeeding the infant of the woman.”.

(B) CERTIFICATION.—Section 17(d)(3)(A)(ii) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(3)(A)(ii)) is amended by striking “1 year” and all that follows through “earlier” and inserting “not more than 2 years postpartum”.

(2) POSTPARTUM WOMEN.—

(A) DEFINITION OF POSTPARTUM WOMAN.—Section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)) is amended by striking paragraph (10) and inserting the following:
“(10) POSTPARTUM WOMAN.—The term ‘post-partum woman’ means—

“(A) a woman up to 6 months after termination of pregnancy; and

“(B) for purposes of subsection (d), a woman up to 2 years after termination of pregnancy.”.

(B) CERTIFICATION.—Section 17(d)(3)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(3)(A)) (as amended by subsection (a)(2)) is amended by adding at the end the following:

“(v) POSTPARTUM WOMEN.—A State may elect to certify a postpartum woman for a period of up to 2 years after the termination of pregnancy of the postpartum woman.”.

SEC. 4. WAIVER OF ADMINISTRATIVE CONDITIONS.

Section 301 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141) is amended by inserting “or emergency” after “major disaster” each place the term appears.