

116TH CONGRESS
2D SESSION

S. 3563

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.

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 “Food Assistance for
5 Kids and Families During COVID-19 Act of 2020”.

6 **SEC. 2. SUPPLEMENTAL NUTRITION ASSISTANCE PRO-**
7 **GRAM.**

8 (a) DEFINITIONS.—In this section:

9 (1) PROGRAM.—The term “program” means
10 the supplemental nutrition assistance program es-

1 tablished under the Food and Nutrition Act of 2008
2 (7 U.S.C. 2011 et seq.).

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

5 (b) PROGRAM MODIFICATIONS.—

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

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

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

17 (ii) preparing groceries for pick-up;

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

23 (C) in the case of an authorized program
24 retailer or a grocer that is unable to cover the
25 cost of grocery delivery for program partici-

1 pants, use funds made available under para-
2 graph (2) to support grocery delivery for pro-
3 gram participants who are seniors, immunocom-
4 promised individuals, or other individuals who
5 are unable to travel safely to a grocery store.

6 (2) FUNDING FOR DELIVERY.—

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

12 (B) EMERGENCY REQUIREMENT.—The
13 amount made available under subparagraph (A)
14 is designated by the Congress as being for an
15 emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and
17 Emergency Deficit Control Act of 1985 (2
18 U.S.C. 901(b)(2)(A)(i)).

19 (C) ADMINISTRATION.—A State agency
20 shall—

21 (i) pay for the cost of grocery delivery
22 under paragraph (1)(C) for an authorized
23 program retailer or grocer described in
24 that subparagraph; and

1 (ii) be reimbursed by the Secretary
2 using funds appropriated under subpara-
3 graph (A).

4 (D) AUTHORIZATION OF APPROPRIA-
5 TIONS.—In addition to the amount appro-
6 priated under subparagraph (A), there are au-
7 thorized to be appropriated to the Secretary
8 such sums as are necessary to cover the cost of
9 grocery delivery under paragraph (1)(C).

10 (3) TERMINATION OF AUTHORITY.—

11 (A) IN GENERAL.—Except as provided in
12 subparagraph (B), the authority of the Sec-
13 retary to carry out paragraphs (1) and (2) shall
14 terminate on the date on which the national
15 emergency declared by the President under the
16 National Emergencies Act (50 U.S.C. 1601 et
17 seq.) with respect to the Coronavirus Disease
18 2019 (COVID-19) is terminated.

19 (B) REIMBURSEMENT.—The Secretary
20 may reimburse State agencies under paragraph
21 (2)(C)(ii) after the date described in subpara-
22 graph (A).

23 (C) RETURN OF FUNDS.—The Secretary
24 shall return to the Treasury any funds appro-
25 priated under paragraph (2)(A) that have not

1 been used or obligated under paragraph
 2 (2)(C)(ii) by the date described in subpara-
 3 graph (A).

4 (c) USE OF CERTAIN FUNDS.—Section 28(c)(3)(A)
 5 of the Food and Nutrition Act of 2008 (7 U.S.C.
 6 2036a(c)(3)(A)) is amended—

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

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

10 (3) by adding at the end the following:

11 “(iv) during a national emergency de-
 12 clared by the President under the National
 13 Emergencies Act (50 U.S.C. 1601 et seq.),
 14 to distribute at a noncongregate location,
 15 including at a school or through delivery,
 16 free or reduced price meals under the
 17 school lunch program established under the
 18 Richard B. Russell National School Lunch
 19 Act (42 U.S.C. 1751 et seq.) and the
 20 school breakfast program established under
 21 section 4 of the Child Nutrition Act of
 22 1966 (42 U.S.C. 1773).”.

23 **SEC. 3. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM**
 24 **FOR WOMEN AND CHILDREN.**

25 (a) CERTIFICATION OF INFANTS.—

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

5 “(5) INFANT.—The term ‘infant’ means—

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

7 “(B) for purposes of subsection (d), a per-
 8 son under 2 years of age.”.

9 (2) CERTIFICATION.—Section 17(d)(3)(A) of
 10 the Child Nutrition Act of 1966 (42 U.S.C.
 11 1786(d)(3)(A)) is amended by adding at the end the
 12 following:

13 “(iv) INFANTS.—

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

17 “(II) ASSESSMENTS.—In certi-
 18 fying an infant under subclause (I), a
 19 State shall ensure that the infant re-
 20 ceives required health and nutrition
 21 assessments.”.

22 (b) EXTENSION OF POSTPARTUM PERIOD.—

23 (1) BREASTFEEDING WOMEN.—

24 (A) DEFINITION OF BREASTFEEDING
 25 WOMAN.—Section 17(b) of the Child Nutrition

1 Act of 1966 (42 U.S.C. 1786(b)) is amended by
 2 striking paragraph (1) and inserting the fol-
 3 lowing:

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

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

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

13 (B) CERTIFICATION.—Section
 14 17(d)(3)(A)(ii) of the Child Nutrition Act of
 15 1966 (42 U.S.C. 1786(d)(3)(A)(ii)) is amended
 16 by striking “1 year” and all that follows
 17 through “earlier” and inserting “not more than
 18 2 years postpartum”.

19 (2) POSTPARTUM WOMEN.—

20 (A) DEFINITION OF POSTPARTUM
 21 WOMAN.—Section 17(b) of the Child Nutrition
 22 Act of 1966 (42 U.S.C. 1786(b)) is amended by
 23 striking paragraph (10) and inserting the fol-
 24 lowing:

1 “(10) POSTPARTUM WOMAN.—The term ‘post-
2 partum woman’ means—

3 “(A) a woman up to 6 months after termi-
4 nation of pregnancy; and

5 “(B) for purposes of subsection (d), a
6 woman up to 2 years after termination of preg-
7 nancy.”.

8 (B) CERTIFICATION.—Section 17(d)(3)(A)
9 of the Child Nutrition Act of 1966 (42 U.S.C.
10 1786(d)(3)(A)) (as amended by subsection
11 (a)(2)) is amended by adding at the end the fol-
12 lowing:

13 “(v) POSTPARTUM WOMEN.—A State
14 may elect to certify a postpartum woman
15 for a period of up to 2 years after the ter-
16 mination of pregnancy of the postpartum
17 woman.”.

18 **SEC. 4. WAIVER OF ADMINISTRATIVE CONDITIONS.**

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

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