

116TH CONGRESS  
2D SESSION

# S. 3697

To modify the Restaurant Meals Program under the supplemental nutrition assistance program in response to COVID–19, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 12, 2020

Mr. MURPHY (for himself, Ms. HARRIS, Mr. WARNER, and Mr. BOOKER) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To modify the Restaurant Meals Program under the supplemental nutrition assistance program in response to COVID–19, 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 “SNAP COVID–19  
5 Anti-Hunger Restaurant Relief for You Act of 2020”.

6 **SEC. 2. RESTAURANT MEALS PROGRAM UNDER THE SUP-**  
7 **PLEMENTAL NUTRITION ASSISTANCE PRO-**  
8 **GRAM.**

9 (a) DEFINITIONS.—In this section:

1           (1) COVERED PERIOD.—The term “covered pe-  
2           riod” means the period beginning on the first day of  
3           the first month that begins after the date of enact-  
4           ment of this Act and ending on the last day of the  
5           month that follows the month in which the public  
6           health emergency declared by the Secretary of  
7           Health and Human Services under section 319 of  
8           the Public Health Service Act (42 U.S.C. 247d) on  
9           January 31, 2020, with respect to COVID–19, is  
10          lifted.

11           (2) PROGRAM.—The term “program” means  
12          the supplemental nutrition assistance program es-  
13          tablished under the Food and Nutrition Act of 2008  
14          (7 U.S.C. 2011 et seq.).

15           (3) SECRETARY.—The term “Secretary” means  
16          the Secretary of Agriculture.

17          (b) DEFINITION OF FOOD.—Section 3(k) of the Food  
18          and Nutrition Act of 2008 (7 U.S.C. 2012(k)) is amend-  
19          ed—

20           (1) in paragraph (1), by striking “clauses (3),  
21           (4), (5), (7), (8), and (9) of this subsection” and in-  
22           serting “paragraphs (3), (4), (5), and (7) through  
23           (10)”;

24           (2) in paragraph (8), by striking “and” at the  
25           end; and

1           (3) in paragraph (9), by striking the period at  
2           the end and inserting “, and (10) in the case of  
3           households residing in an area for which a major  
4           disaster has been declared by the President under  
5           section 401 of the Robert T. Stafford Disaster Relief  
6           and Emergency Assistance Act (42 U.S.C. 5170),  
7           regardless of whether individual assistance has been  
8           authorized under such major disaster declaration, or  
9           a public health emergency has been declared by the  
10          Secretary of Health and Human Services under sec-  
11          tion 319 of the Public Health Service Act (42  
12          U.S.C. 247d), meals prepared for and served by a  
13          public or private nonprofit establishment (approved  
14          by an appropriate State or local agency) that feeds  
15          such households and by private establishments that  
16          contract with the appropriate agency of the State to  
17          offer meals for such households at concessional  
18          prices subject to section 9(h).”.

19          (c) TEMPORARY STREAMLINING OF STATE PARTICI-  
20          PATION.—

21                 (1) IN GENERAL.—Subject to paragraph (2),  
22                 during the covered period, the Secretary shall waive  
23                 the requirements under section 11(e)(25) of the  
24                 Food and Nutrition Act of 2008 (7 U.S.C.

1 2020(e)(25)) for a State plan of operation required  
2 under subsection (d) of that section.

3 (2) COVERED PERIOD.—The Secretary may ex-  
4 tend the covered period for the purpose of carrying  
5 out paragraph (1) if the Secretary determines that  
6 such action is necessary to prevent hunger in areas  
7 impacted by the Coronavirus Disease 2019  
8 (COVID–19).

9 (d) AUTHORIZATION OF NEW RETAILERS.—

10 (1) IN GENERAL.—During the covered period,  
11 for the sole purpose of expanding the number and  
12 capacity of retail food establishments, including res-  
13 taurants, authorized to accept and redeem program  
14 benefits in order to adequately serve households that  
15 are eligible to receive program benefits, the Sec-  
16 retary may waive any requirements under section 9  
17 of the Food and Nutrition Act of 2008 (7 U.S.C.  
18 2018).

19 (2) NO FEES.—Nothing in this subsection per-  
20 mits any retail food establishment, including a res-  
21 taurant, authorized to accept and redeem program  
22 benefits to charge fees for the redemption of those  
23 benefits, including fees described in section 7(h)(13)  
24 of the Food and Nutrition Act of 2008 (7 U.S.C.  
25 2016(h)(13)).

1 (e) CONTRACTS WITH PRIVATE ESTABLISHMENTS.—  
2 In the case of a contract that a State or the Federal Gov-  
3 ernment enters into with a private establishment to offer  
4 meals at concessional prices under the Food and Nutrition  
5 Act of 2008 (7 U.S.C. 2011 et seq.) that is effective on  
6 the day before the public health emergency described in  
7 subsection (a)(1) is lifted, if the Secretary determines, on  
8 or after the date on which the public health emergency  
9 described in subsection (a)(1) is lifted, that the participa-  
10 tion of the private establishment is not necessary to meet  
11 a documented need in accordance with section 11(e)(25)  
12 of the Food and Nutrition Act of 2008 (7 U.S.C.  
13 2020(e)(25)), the Secretary may—

14 (1) allow the operation of the private establish-  
15 ment to continue without that determination of need  
16 for not more than 180 days following the date of  
17 that determination by the Secretary; or

18 (2) terminate the contract and provide justifica-  
19 tion for the termination to the State in which the  
20 private establishment is located.

21 (f) REPORT TO CONGRESS.—Not later than 180 days  
22 after the public health emergency described in subsection  
23 (a)(1) is lifted, the Secretary shall submit to the Com-  
24 mittee on Agriculture, Nutrition, and Forestry of the Sen-

1 ate and the Committee on Agriculture of the House of  
2 Representatives a report that includes—

3 (1) a description of the effectiveness of this Act  
4 in—

5 (A) increasing access to concessional meals  
6 during the public health emergency; and

7 (B) preventing hunger and improving  
8 health and safety among program recipients de-  
9 scribed in paragraphs (3), (4), and (9) of sec-  
10 tion 3(k) of the Food and Nutrition Act of  
11 2008 (7 U.S.C. 2012(k)); and

12 (2) recommendations for additional statutory  
13 authority needed by the Secretary—

14 (A) to prevent hunger among program re-  
15 cipients during any public health emergency or  
16 major disaster; and

17 (B) to improve health and safety among  
18 program recipients during ongoing social  
19 distancing policies relating to the Coronavirus  
20 Disease 2019 (COVID–19).

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