

1 (B) in paragraph (2), by inserting “or for  
2 each day that a school in the area of a covered  
3 child care facility or the area of the child’s resi-  
4 dence is closed or has reduced attendance or  
5 hours for at least 5 consecutive days” before  
6 the period at the end; and

7 (C) by adding at the end the following:

8 “(4) DEEMED POPULATION.—For purposes of  
9 an approved State agency plan described in para-  
10 graph (1) or an approved amendment to such a plan  
11 described in such paragraph, the Secretary of Agri-  
12 culture shall deem any child who has not attained  
13 the age of 6 as a child who is enrolled in a covered  
14 child care facility.”; and

15 (3) in subsection (j), by inserting “for State  
16 agencies, other agencies of the State, local units, and  
17 schools” after “administrative expenses”.

18 **SEC. 722. EMERGENCY COSTS FOR CHILD NUTRITION PRO-**  
19 **GRAMS DURING COVID-19 PANDEMIC.**

20 (a) USE OF CERTAIN APPROPRIATIONS TO COVER  
21 EMERGENCY OPERATIONAL COSTS UNDER SCHOOL MEAL  
22 PROGRAMS.—

23 (1) IN GENERAL.—

24 (A) REQUIRED ALLOTMENTS.—Notwith-  
25 standing any other provision of law, the Sec-

1           retary shall allocate to each State that partici-  
2           pates in the reimbursement program under  
3           paragraph (3) such amounts as may be nec-  
4           essary to carry out reimbursements under such  
5           paragraph for each reimbursement month, in-  
6           cluding, subject to paragraph (5)(B), adminis-  
7           trative expenses necessary to make such reim-  
8           bursements.

9                   (B) GUIDANCE WITH RESPECT TO PRO-  
10           GRAM.—Not later than 30 days after the date  
11           of the enactment of this section, the Secretary  
12           shall issue guidance with respect to the reim-  
13           bursement program under paragraph (3).

14           (2) REIMBURSEMENT PROGRAM APPLICA-  
15           TION.—To participate in the reimbursement pro-  
16           gram under paragraph (3), not later than 30 days  
17           after the date described in paragraph (1)(B), a  
18           State shall submit an application to the Secretary  
19           that includes a plan to calculate and disburse reim-  
20           bursements under the reimbursement program under  
21           paragraph (3).

22           (3) REIMBURSEMENT PROGRAM.—Subject to  
23           paragraphs (4) and (5)(D), using the amounts allo-  
24           cated under paragraph (1)(A), a State participating  
25           in the reimbursement program under this paragraph

1       shall make reimbursements for emergency oper-  
2       ational costs for each reimbursement month as fol-  
3       lows:

4               (A) For each new school food authority in  
5       the State for the reimbursement month, an  
6       amount equal to 55 percent of the amount  
7       equal to—

8               (i) the average monthly amount such  
9       new school food authority was reimbursed  
10      under the reimbursement sections for  
11      meals and supplements served by such new  
12      school food authority during the alternate  
13      period; minus

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

19              (B) For each school food authority not de-  
20      scribed in subparagraph (A) in the State for  
21      the reimbursement month, an amount equal to  
22      55 percent of—

23              (i) the amount such school food au-  
24      thority was reimbursed under the reim-  
25      bursement sections for meals and supple-

1                   ments served by such school food authority  
2                   for the month beginning one year before  
3                   such reimbursement month; minus  
4                   (ii) the amount such school food au-  
5                   thority was reimbursed under the reim-  
6                   bursement sections for meals and supple-  
7                   ments served by such school food authority  
8                   during such reimbursement month.

9                   (4) SPECIAL RULES RELATING TO REIMBURSE-  
10                  MENT CALCULATION.—

11                   (A) EFFECT OF NEGATIVE NUMBER.—If a  
12                   subtraction performed under subparagraph (A)  
13                   or (B) of paragraph (3) results in a negative  
14                   number, the reimbursement amount calculated  
15                   under such subparagraph shall equal zero.

16                   (B) SPECIAL TREATMENT OF MARCH,  
17                   2020.—In the case of a reimbursement under  
18                   subparagraph (A) or (B) of paragraph (3) for  
19                   the reimbursement month of March, 2020, the  
20                   reimbursement amount shall be equal to the  
21                   amount determined under such a subparagraph  
22                   for such month, divided by 2.

23                   (5) TREATMENT OF FUNDS.—

1 (A) AVAILABILITY.—Funds allocated to a  
2 State under paragraph (1)(A) shall remain  
3 available until September 30, 2021.

4 (B) ADMINISTRATIVE EXPENSES.—A State  
5 may reserve not more than 1 percent of the  
6 funds allocated under paragraph (1)(A) for ad-  
7 ministrative expenses to carry out this sub-  
8 section.

9 (C) UNEXPENDED BALANCE.—On March  
10 31, 2022, any amounts allocated to a State  
11 under paragraph (1)(A) or reimbursed to a  
12 school food authority or new school food author-  
13 ity under paragraph (3) that are unexpended by  
14 such State, school food authority, or new school  
15 food authority shall revert to the Secretary.

16 (D) LIMITATION ON USE OF FUNDS.—  
17 Funds allocated to a State under paragraph  
18 (1)(A) may only be made available to a school  
19 food authority or new school food authority  
20 that—

21 (i) submits a claim to such State for  
22 meals, supplements, or administrative costs  
23 with respect to a month occurring during  
24 the period beginning September 1, 2020  
25 and ending December 31, 2020; or

1 (ii) provides an assurance to such  
2 State that the school food authority or new  
3 school food authority will submit a claim to  
4 such State for meals, supplements, or ad-  
5 ministrative costs with respect to a month  
6 occurring during the first full semester (or  
7 equivalent term) after the conclusion of the  
8 public health emergency, as determined by  
9 such State.

10 (6) REPORTS.—Each State that carries out a  
11 reimbursement program under paragraph (3) shall,  
12 not later than March 31, 2022, submit a report to  
13 the Secretary that includes a summary of the use of  
14 such funds by the State and each school food au-  
15 thority and new school food authority in such State.

16 (b) USE OF CERTAIN APPROPRIATIONS TO COVER  
17 CHILD AND ADULT CARE FOOD PROGRAM CHILD CARE  
18 OPERATIONAL EMERGENCY COSTS DURING COVID-19  
19 PANDEMIC.—

20 (1) IN GENERAL.—

21 (A) REQUIRED ALLOTMENTS.—Notwith-  
22 standing any other provision of law, the Sec-  
23 retary shall allocate to each State that partici-  
24 pates in the reimbursement program under  
25 paragraph (3) such amounts as may be nec-

1           essary to carry out reimbursements under such  
2           paragraph for each reimbursement month, in-  
3           cluding, subject to paragraph (5)(C), adminis-  
4           trative expenses necessary to make such reim-  
5           bursements.

6                   (B) GUIDANCE WITH RESPECT TO PRO-  
7           GRAM.—Not later than 30 days after the date  
8           of the enactment of this section, the Secretary  
9           shall issue guidance with respect to the reim-  
10          bursement program under paragraph (3).

11               (2) REIMBURSEMENT PROGRAM APPLICA-  
12          TION.—To participate in the reimbursement pro-  
13          gram under paragraph (3), not later than 30 days  
14          after the date described in paragraph (1)(B), a  
15          State shall submit an application to the Secretary  
16          that includes a plan to calculate and disburse reim-  
17          bursements under the reimbursement program under  
18          paragraph (3).

19               (3) REIMBURSEMENT AMOUNT.—Subject to  
20          paragraphs (4) and (5)(E), using the amounts allo-  
21          cated under paragraph (1)(A), a State participating  
22          in the reimbursement program under this paragraph  
23          shall make reimbursements for child care operational  
24          emergency costs for each reimbursement month as  
25          follows:

1           (A) For each new covered institution in the  
2           State for the reimbursement month, an amount  
3           equal to 55 percent of—

4                   (i) the average monthly amount such  
5           new covered institution was reimbursed  
6           under subsection (c) and subsection (f) of  
7           section 17 of the Richard B. Russell Na-  
8           tional School Lunch Act (42 U.S.C. 1766)  
9           for meals and supplements served by such  
10          new covered institution during the alter-  
11          nate period; minus

12                   (ii) the amount such new covered in-  
13          stitution was reimbursed under such sec-  
14          tion for meals and supplements served by  
15          such new covered institution during such  
16          reimbursement month.

17          (B) For each covered institution not de-  
18          scribed in subparagraph (A) in the State for  
19          the reimbursement month, an amount equal to  
20          55 percent of—

21                   (i) the amount such covered institu-  
22          tion was reimbursed under subsection (c)  
23          and subsection (f) of section 17 of the  
24          Richard B. Russell National School Lunch  
25          Act (42 U.S.C. 1766) for meals and sup-



1           plements served by such covered institution  
2           during the month beginning one year be-  
3           fore such reimbursement month; minus

4           (ii) the amount such covered institu-  
5           tion was reimbursed under such section for  
6           meals and supplements served by such cov-  
7           ered institution during such reimbursement  
8           month.

9           (C) For each new sponsoring organization  
10          of a family or group day care home in the State  
11          for the reimbursement month, an amount equal  
12          to 55 percent of—

13               (i) the average monthly amount such  
14               new sponsoring organization of a family or  
15               group day care home was reimbursed  
16               under section 17(f)(3)(B) of the Richard  
17               B. Russell National School Lunch Act (42  
18               U.S.C. 1766(f)(3)(B)) for administrative  
19               funds for the alternate period; minus

20               (ii) the amount such new sponsoring  
21               organization of a family or group day care  
22               home was reimbursed under such section  
23               for administrative funds for the reimburse-  
24               ment month.

1 (D) For each sponsoring organization of a  
2 family or group day care home not described in  
3 subparagraph (C) in the State for the reim-  
4 bursement month, an amount equal to 55 per-  
5 cent of—

6 (i) the amount such sponsoring orga-  
7 nization of a family or group day care  
8 home was reimbursed under section  
9 17(f)(3)(B) of the Richard B. Russell Na-  
10 tional School Lunch Act (42 U.S.C.  
11 1766(f)(3)(B)) for administrative funds for  
12 the month beginning one year before such  
13 reimbursement month; minus

14 (ii) the amount such sponsoring orga-  
15 nization of a family or group day care  
16 home was reimbursed under such section  
17 for administrative funds for such reim-  
18 bursement month.

19 (4) SPECIAL RULES RELATING TO REIMBURSE-  
20 MENT CALCULATION.—

21 (A) EFFECT OF NEGATIVE NUMBER.—If a  
22 subtraction performed under subparagraph (A),  
23 (B), (C), or (D) of paragraph (3) results in a  
24 negative number, the reimbursement amount

1           calculated under such subparagraph shall equal  
2           zero.

3                   (B) SPECIAL TREATMENT OF MARCH,  
4           2020.—In the case of a reimbursement under  
5           subparagraph (A), (B), (C), or (D) of para-  
6           graph (3) for the reimbursement month of  
7           March, 2020, the reimbursement amount shall  
8           be equal to the amount determined under such  
9           a subparagraph for such month, divided by 2.

10           (5) TREATMENT OF FUNDS.—

11                   (A) AVAILABILITY.—Funds allocated to a  
12           State under paragraph (1)(A) shall remain  
13           available until September 30, 2021.

14                   (B) UNAFFILIATED CENTER.—In the case  
15           of a covered institution or a new covered insti-  
16           tution that is an unaffiliated center that is  
17           sponsored by a sponsoring organization and re-  
18           ceives funds for a reimbursement month under  
19           subparagraph (A) or (B) of paragraph (3), such  
20           unaffiliated center shall provide to such spon-  
21           soring organization an amount of such funds as  
22           agreed to by the sponsoring organization and  
23           the unaffiliated center, except such amount may  
24           not be greater be than 15 percent of such  
25           funds.

1           (C) ADMINISTRATIVE EXPENSES.—A State  
2           may reserve not more than 1 percent of the  
3           funds allocated under paragraph (1)(A) for ad-  
4           ministrative expenses to carry out this sub-  
5           section.

6           (D) UNEXPENDED BALANCE.—On March  
7           31, 2022, any amounts allocated to a State  
8           under paragraph (1)(A) or reimbursed to a new  
9           covered institution, covered institution, new  
10          sponsoring organization of a family or group  
11          day care home, or sponsoring organization of a  
12          family or group day care home that are unex-  
13          pended by such State, new covered institution,  
14          covered institution, new sponsoring organization  
15          of a family or group day care home, or spon-  
16          soring organization of a family or group day  
17          care home, shall revert to the Secretary.

18          (E) LIMITATION ON USE OF FUNDS.—  
19          Funds allocated to a State under paragraph  
20          (1)(A) may only be made available to a new  
21          covered institution, covered institution, new  
22          sponsoring organization of a family or group  
23          day care home, or sponsoring organization of a  
24          family or group day care home that—

1 (i) submits a claim to such State for  
2 meals, supplements, or administrative costs  
3 with respect to a month occurring during  
4 the period beginning September 1, 2020  
5 and ending December 31, 2020; or

6 (ii) provides an assurance to such  
7 State that the new covered institution, cov-  
8 ered institution, new sponsoring organiza-  
9 tion of a family or group day care home,  
10 or sponsoring organization of a family or  
11 group day care home will submit a claim to  
12 such State for meals, supplements, or ad-  
13 ministrative costs with respect to a month  
14 occurring within 90 days after the conclu-  
15 sion of the public health emergency.

16 (6) REPORTS.—Each State that carries out a  
17 reimbursement program under paragraph (3) shall,  
18 not later than March 31, 2022, submit a report to  
19 the Secretary that includes a summary of the use of  
20 such funds by the State and each new covered insti-  
21 tution, covered institution, new sponsoring organiza-  
22 tion of a family or group day care home, or spon-  
23 soring organization of a family or group day care  
24 home.

1       (c) FUNDING.—There are appropriated to the Sec-  
2 retary, out of any funds in the Treasury not otherwise  
3 appropriated, such sums as are necessary to carry out this  
4 section.

5       (d) DEFINITIONS.—In this section:

6           (1) ALTERNATE PERIOD.—The term “alternate  
7 period” means the period beginning January 1,  
8 2020 and ending February 29, 2020.

9           (2) EMERGENCY OPERATIONAL COSTS.—The  
10 term “emergency operational costs” means the costs  
11 incurred by a school food authority or new school  
12 food authority—

13               (A) during a public health emergency;

14               (B) that are related to the ongoing oper-  
15 ation, modified operation, or temporary suspen-  
16 sion of operation (including administrative  
17 costs) of such school food authority or new  
18 school food authority; and

19               (C) except as provided under subsection  
20 (a), that are not reimbursed under a Federal  
21 grant.

22           (3) CHILD CARE OPERATIONAL EMERGENCY  
23 COSTS.—The term “child care operational emergency  
24 costs” means the costs under the child and adult  
25 care food program under section 17 of the Richard

1       B. Russell National School Lunch Act (42 U.S.C.  
2       1766) incurred by a new covered institution, covered  
3       institution, new sponsoring organization of a family  
4       or group day care home, or sponsoring organization  
5       of a family or group day care home—

6               (A) during a public health emergency;

7               (B) that are related to the ongoing oper-  
8       ation, modified operation, or temporary suspen-  
9       sion of operation (including administrative  
10      costs) of such new covered institution, covered  
11      institution, new sponsoring organization of a  
12      family or group day care home, sponsoring or-  
13      ganization of a family or group day care home,  
14      or sponsoring organization of an unaffiliated  
15      center; and

16              (C) except as provided under subsection  
17      (b), that are not reimbursed under a Federal  
18      grant.

19      (4) COVERED INSTITUTION.—The term “cov-  
20      ered institution” means—

21              (A) an institution (as defined in section  
22      17(a)(2) of the Richard B. Russell National  
23      School Lunch Act (42 U.S.C. 1766(a)(2))); and

24              (B) a family or group day care home.

1           (5) NEW COVERED INSTITUTION.—The term  
2       “new covered institution” means a covered institu-  
3       tion for which no reimbursements were made for  
4       meals and supplements under section 17(c) or (f) of  
5       the Richard B. Russell National School Lunch Act  
6       (42 U.S.C. 1766) with respect to the previous reim-  
7       bursement period.

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

13          (7) NEW SPONSORING ORGANIZATION OF A  
14      FAMILY OR GROUP DAY CARE.—The term “new  
15      sponsoring organization of a family or group day  
16      care” means a sponsoring organization of a family  
17      or group day care home for which no reimburse-  
18      ments for administrative funds were made under  
19      section 17(f)(3)(B) of the Richard B. Russell Na-  
20      tional School Lunch Act (42 U.S.C. 1766(f)(3)(B))  
21      for the previous reimbursement period.

22          (8) PREVIOUS REIMBURSEMENT PERIOD.—The  
23      term “previous reimbursement period” means the  
24      period beginning March 1, 2019 and ending June  
25      30, 2019.



1           (9) PUBLIC HEALTH EMERGENCY.—The term  
2           “public health emergency” means a public health  
3           emergency declared pursuant to section 319 of the  
4           Public Health Service Act (42 U.S.C. 247d) result-  
5           ing from the COVID–19 pandemic or any renewal of  
6           such declaration pursuant to such section 319.

7           (10) REIMBURSEMENT MONTH.—The term “re-  
8           imbursement month” means March 2020, April  
9           2020, May 2020, and June 2020.

10          (11) REIMBURSEMENT SECTIONS.—The term  
11          “reimbursement sections” means—

12                 (A) section 4(b), section 11(a)(2), section  
13                 13, and section 17A(c) of the Richard B. Rus-  
14                 sell National School Lunch Act (42 U.S.C.  
15                 1753(b); 42 U.S.C. 1759a(a)(2); 42 U.S.C.  
16                 1761; 42 U.S.C. 1766a(c)); and

17                 (B) section 4 of the Child Nutrition Act  
18                 (42 U.S.C. 1773).

19          (12) SECRETARY.—The term “Secretary”  
20          means the Secretary of Agriculture.

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