

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(e) 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)).