

116TH CONGRESS  
2D SESSION

# S. 3563

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

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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

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## 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        established 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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