

117TH CONGRESS
1ST SESSION

H. R. 4904

To provide for emergency operational cost reimbursements for child nutrition programs for certain additional months, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 3, 2021

Ms. ADAMS (for herself, Mr. TRONE, Ms. NEWMAN, Mr. THOMPSON of Mississippi, Ms. CLARKE of New York, Mr. VARGAS, Ms. BONAMICI, and Mrs. HAYES) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To provide for emergency operational cost reimbursements for child nutrition programs for certain additional months, 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 “Emergency Child and
5 Adult Nutrition Assistance Act of 2021”.

1 **SEC. 2. EMERGENCY OPERATIONAL COSTS REIMBURSE-**
2 **MENTS FOR OTHER MONTHS.**

3 (a) USE OF CERTAIN APPROPRIATIONS TO COVER
4 EMERGENCY OPERATIONAL COSTS UNDER SCHOOL MEAL
5 PROGRAM.—

6 (1) IN GENERAL.—

7 (A) REQUIRED ALLOTMENTS.—Notwith-
8 standing any other provision of law, the Sec-
9 retary shall allocate to each State that partici-
10 pates in the reimbursement program under
11 paragraph (3) such amounts as may be nec-
12 essary to carry out reimbursements under such
13 paragraph for each reimbursement month, in-
14 cluding, subject to paragraph (5)(B), adminis-
15 trative expenses necessary to make such reim-
16 bursements.

17 (B) GUIDANCE WITH RESPECT TO PRO-
18 GRAM.—Not later than 30 days after the date
19 of the enactment of this section, the Secretary
20 shall issue guidance with respect to the reim-
21 bursement program under paragraph (3).

22 (2) REIMBURSEMENT PROGRAM APPLICA-
23 TION.—To participate in the reimbursement pro-
24 gram under paragraph (3), not later than 30 days
25 after the date described in paragraph (1)(B), a
26 State shall submit an application to the Secretary

1 that includes a plan to calculate and disburse reim-
2 bursements under the reimbursement program under
3 paragraph (3).

4 (3) REIMBURSEMENT PROGRAM.—

5 (A) Subject to paragraphs (4) and (5)(D),
6 using the amounts allocated under paragraph
7 (1)(A), a State participating in the reimburse-
8 ment program under this paragraph shall make
9 reimbursements for emergency operational costs
10 for each reimbursement month in accordance
11 with subparagraph (B).

12 (B) For each school food authority in the
13 State for the reimbursement month, an amount
14 equal to 55 percent of—

15 (i) the amount such school food au-
16 thority was reimbursed under the reim-
17 bursement sections for meals and supple-
18 ments served by such school food authority
19 for the month beginning one year before
20 such reimbursement month; minus

21 (ii) the amount such school food au-
22 thority was reimbursed under the reim-
23 bursement sections for meals and supple-
24 ments served by such school food authority
25 during such reimbursement month.

1 (4) EFFECT OF NEGATIVE NUMBER.—If a sub-
2 traction performed under subparagraph (A) or (B)
3 of paragraph (3) results in a negative number, the
4 reimbursement amount calculated under such sub-
5 paragraph shall equal zero.

6 (5) TREATMENT OF FUNDS.—

7 (A) AVAILABILITY.—Funds allocated to a
8 State under paragraph (1)(A) shall remain
9 available until September 30, 2022.

10 (B) ADMINISTRATIVE EXPENSES.—A State
11 may reserve not more than 1 percent of the
12 funds allocated under paragraph (1)(A) for ad-
13 ministrative expenses to carry out this sub-
14 section.

15 (C) UNEXPENDED BALANCE.—On March
16 31, 2023, any amounts allocated to a State
17 under paragraph (1)(A) or reimbursed to a
18 school food authority under paragraph (3) that
19 are unexpended by such State or school food
20 authority shall revert to the Secretary.

21 (D) LIMITATION ON USE OF FUNDS.—
22 Funds allocated to a State under paragraph
23 (1)(A) may only be made available to a school
24 food authority 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 August 1, 2020, and
5 ending June 30, 2021; or

6 (ii) provides an assurance to such
7 State that the school food authority will
8 submit a claim to such State for meals,
9 supplements, or administrative costs with
10 respect to a month occurring during the
11 first full semester (or equivalent term)
12 after the conclusion of the public health
13 emergency, as determined by such State.

14 (6) REPORTS.—Each State that carries out a
15 reimbursement program under paragraph (3) shall,
16 not later than March 31, 2023, submit a report to
17 the Secretary that includes a summary of the use of
18 such funds by the State and each school food au-
19 thority in such State.

20 (b) USE OF CERTAIN APPROPRIATIONS TO COVER
21 CHILD AND ADULT CARE FOOD PROGRAM CHILD CARE
22 OPERATIONAL EMERGENCY COSTS DURING COVID-19
23 PANDEMIC.—

24 (1) IN GENERAL.—

1 (A) REQUIRED ALLOTMENTS.—Notwith-
2 standing any other provision of law, the Sec-
3 retary shall allocate to each State that partici-
4 pates in the reimbursement program under
5 paragraph (3) such amounts as may be nec-
6 essary to carry out reimbursements under such
7 paragraph for each reimbursement month, in-
8 cluding, subject to paragraph (5)(C), adminis-
9 trative expenses necessary to make such reim-
10 bursements.

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

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

24 (3) REIMBURSEMENT PROGRAM.—Subject to
25 paragraphs (4) and (5)(E), using the amounts allo-

1 cated under paragraph (1)(A), a State participating
2 in the reimbursement program under this paragraph
3 shall make reimbursements for child care operational
4 emergency costs for each reimbursement month as
5 follows:

6 (A) For each covered institution not de-
7 scribed in subparagraph (A) in the State for
8 the reimbursement month, an amount equal to
9 55 percent of—

10 (i) the amount such covered institu-
11 tion was reimbursed under subsection (c)
12 and subsection (f) of section 17 of the
13 Richard B. Russell National School Lunch
14 Act (42 U.S.C. 1766) for meals and sup-
15 plements served by such covered institution
16 during the month beginning one year be-
17 fore such reimbursement month; minus

18 (ii) the amount such covered institu-
19 tion was reimbursed under such section for
20 meals and supplements served by such cov-
21 ered institution during such reimbursement
22 month.

23 (B) For each sponsoring organization of a
24 family or group day care home not described in
25 subparagraph (C) in the State for the reim-

1 bursement month, an amount equal to 55 per-
2 cent of—

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

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

16 (4) EFFECT OF NEGATIVE NUMBER.—If a sub-
17 traction performed under subparagraph (A), (B),
18 (C), or (D) of paragraph (3) results in a negative
19 number, the reimbursement amount calculated under
20 such subparagraph shall equal zero.

21 (5) TREATMENT OF FUNDS.—

22 (A) AVAILABILITY.—Funds allocated to a
23 State under paragraph (1)(A) shall remain
24 available until September 30, 2022.

1 (B) UNAFFILIATED CENTER.—In the case
2 of a covered institution that is an unaffiliated
3 center that is sponsored by a sponsoring organi-
4 zation and receives funds for a reimbursement
5 month under subparagraph (A) or (B) of para-
6 graph (3), such unaffiliated center shall provide
7 to such sponsoring organization an amount of
8 such funds as agreed to by the sponsoring orga-
9 nization and the unaffiliated center, except such
10 amount may not be greater be than 15 percent
11 of such funds.

12 (C) ADMINISTRATIVE EXPENSES.—A State
13 may reserve not more than 1 percent of the
14 funds allocated under paragraph (1)(A) for ad-
15 ministrative expenses to carry out this sub-
16 section.

17 (D) UNEXPENDED BALANCE.—On March
18 31, 2023, any amounts allocated to a State
19 under paragraph (1)(A) or reimbursed to a cov-
20 ered institution or sponsoring organization of a
21 family or group day care home that are unex-
22 pended by such State, covered institution, or
23 sponsoring organization of a family or group
24 day care home, shall revert to the Secretary.

(E) LIMITATION ON USE OF FUNDS.—

Funds allocated to a State under paragraph (1)(A) may only be made available to a covered institution or sponsoring organization of a family or group day care home that—

(i) submits a claim to such State for meals, supplements, or administrative costs with respect to a month occurring during the period beginning August 1, 2020, and ending June 30, 2021; or

(ii) provides an assurance to such State that the covered institution or sponsoring organization of a family or group day care home will submit a claim to such State for meals, supplements, or administrative costs with respect to a month occurring within 90 days after the conclusion of the public health emergency.

(6) REPORTS.—Each State that carries out a reimbursement program under paragraph (3) shall, not later than March 31, 2023, submit a report to the Secretary that includes a summary of the use of such funds by the State and each covered institution or sponsoring organization of a family or group day care 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) EMERGENCY OPERATIONAL COSTS.—The
7 term “emergency operational costs” means the costs
8 incurred by a school food authority—

9 (A) during a public health emergency;

10 (B) that are related to the ongoing oper-
11 ation, modified operation, or temporary suspen-
12 sion of operation (including administrative
13 costs) of such school food authority; and

14 (C) except as provided under subsection
15 (a), that are not reimbursed under a Federal
16 grant.

17 (2) CHILD CARE OPERATIONAL EMERGENCY
18 COSTS.—The term “child care operational emergency
19 costs” means the costs under the child and adult
20 care food program under section 17 of the Richard
21 B. Russell National School Lunch Act (42 U.S.C.
22 1766) incurred by a covered institution or spon-
23 soring organization of a family or group day care
24 home—

25 (A) during a public health emergency;

1 (B) that are related to the ongoing oper-
2 ation, modified operation, or temporary suspen-
3 sion of operation (including administrative
4 costs) of such covered institution, sponsoring
5 organization of a family or group day care
6 home, or sponsoring organization of an unaffili-
7 ated center; and

8 (C) except as provided under subsection
9 (b), that are not reimbursed under a Federal
10 grant.

11 (3) COVERED INSTITUTION.—The term “cov-
12 ered institution” means—

13 (A) an institution (as defined in section
14 17(a)(2) of the Richard B. Russell National
15 School Lunch Act (42 U.S.C. 1766(a)(2))); and

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

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

23 (5) REIMBURSEMENT MONTH.—The term “re-
24 imbursement month” means August 2020, Sep-
25 tember 2020, October 2020, November 2020, De-

1 cember 2020, January 2021, February 2021, March
2 2021, April 2021, May 2021, and June 2021.

3 (6) REIMBURSEMENT SECTIONS.—The term
4 “reimbursement sections” means—

5 (A) section 4(b), section 11(a)(2), section
6 13, and section 17A(c) of the Richard B. Rus-
7 sell National School Lunch Act (42 U.S.C.
8 1753(b); 42 U.S.C. 1759a(a)(2); 42 U.S.C.
9 1761; 42 U.S.C. 1766a(c)); and

10 (B) section 4 of the Child Nutrition Act
11 (42 U.S.C. 1773).

12 (7) SECRETARY.—The term “Secretary” means
13 the Secretary of Agriculture.

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

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