

116TH CONGRESS  
2D SESSION

# H. R. 6843

To provide reimbursements for the child care operational emergency costs of certain institutions during the COVID-19 pandemic, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 12, 2020

Mr. TRONE (for himself and Mr. SCOTT of Virginia) introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To provide reimbursements for the child care operational emergency costs of certain institutions during the COVID-19 pandemic, 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 and Nutrition  
5 Provider Emergency Support Act of 2020”.

6 **SEC. 2. CHILD CARE OPERATIONAL EMERGENCY COSTS**  
7 **DURING COVID-19 PANDEMIC.**

8 (a) USE OF CERTAIN APPROPRIATIONS TO COVER  
9 CHILD AND ADULT CARE FOOD PROGRAM CHILD CARE

1 OPERATIONAL EMERGENCY COSTS DURING COVID-19  
2 PANDEMIC.—

3 (1) IN GENERAL.—

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

14 (B) GUIDANCE WITH RESPECT TO PRO-  
15 GRAM.—Not later than 10 days after the date  
16 of the enactment of this section, the Secretary  
17 shall issue guidance with respect to the reim-  
18 bursement program under paragraph (3).

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

1       ments under the reimbursement program under  
2       paragraph (3).

3           (3) REIMBURSEMENT AMOUNT.—Using the  
4       amounts allocated under paragraph (1)(A), a State  
5       participating in the reimbursement program under  
6       this paragraph shall make reimbursements for child  
7       care operational emergency costs for each reimburse-  
8       ment month as follows:

9           (A) For each new covered institution in the  
10       State for the reimbursement month, an amount  
11       equal to 55 percent of—

12           (i) the average monthly amount such  
13       covered institution was reimbursed under  
14       subsection (c) and subsection (f) of section  
15       17 of the Richard B. Russell National  
16       School Lunch Act (42 U.S.C. 1766) for  
17       meals and supplements served by such new  
18       covered institution during the alternate pe-  
19       riod; minus

20           (ii) the amount such covered institu-  
21       tion was reimbursed under such section for  
22       meals and supplements served by such new  
23       covered institution during such reimburse-  
24       ment month.

1 (B) For each covered institution not de-  
2 scribed in subparagraph (A) in the State for  
3 the reimbursement month, an amount equal to  
4 55 percent of—

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

13 (ii) the amount such covered institu-  
14 tion was reimbursed under such section for  
15 meals and supplements served by such cov-  
16 ered institution during such reimbursement  
17 month.

18 (C) For each new sponsoring organization  
19 of a family or group day care home in the State  
20 for the reimbursement month, an amount equal  
21 to 55 percent of—

22 (i) the average monthly amount such  
23 new sponsoring organization of a family or  
24 group day care home was reimbursed  
25 under section 17(f)(3)(B) of the Richard

1 B. Russell National School Lunch Act (42  
2 U.S.C. 1766(f)(3)(B)) for administrative  
3 funds for the alternate period; minus

4 (ii) the amount such new sponsoring  
5 organization of a family or group day care  
6 home was reimbursed under such section  
7 for administrative funds for the reimburse-  
8 ment month.

9 (D) For each sponsoring organization of a  
10 family or group day care home not described in  
11 subparagraph (C) in the State for the reim-  
12 bursement month, an amount equal to 55 per-  
13 cent of—

14 (i) the amount such sponsoring orga-  
15 nization of a family or group day care  
16 home was reimbursed under section  
17 17(f)(3)(B) of the Richard B. Russell Na-  
18 tional School Lunch Act (42 U.S.C.  
19 1766(f)(3)(B)) for administrative funds for  
20 the month beginning one year before such  
21 reimbursement month; minus

22 (ii) the amount such sponsoring orga-  
23 nization of a family or group day care  
24 home was reimbursed under such section

1           for administrative funds for such reim-  
2           bursement month.

3           (4) TREATMENT OF FUNDS.—

4           (A) AVAILABILITY.—Funds allocated to a  
5           State under paragraph (1)(A) shall remain  
6           available until March 30, 2021.

7           (B) UNAFFILIATED CENTER.—In the case  
8           of a covered institution or a new covered insti-  
9           tution that is an unaffiliated center that is  
10          sponsored by a sponsoring organization and re-  
11          ceives funds for a reimbursement month under  
12          subparagraph (A) or (B), such unaffiliated cen-  
13          ter shall provide to such sponsoring organiza-  
14          tion an amount of such funds as agreed to by  
15          the sponsoring organization and the unaffiliated  
16          center, except such amount may not be greater  
17          than 15 percent of such funds.

18          (C) ADMINISTRATIVE EXPENSES.—A State  
19          may reserve not more than 1 percent of the  
20          funds allocated under paragraph (1)(A) for ad-  
21          ministrative expenses to carry out this sub-  
22          section.

23          (D) UNEXPENDED BALANCE.—On Sep-  
24          tember 30, 2021, any amounts allocated to a  
25          State under paragraph (1)(A) or reimbursed to

1 a new covered institution, covered institution,  
2 new sponsoring organization of a family or  
3 group day care home, or sponsoring organiza-  
4 tion of a family or group day care home that  
5 are unexpended by such State, new covered in-  
6 stitution, covered institution, new sponsoring  
7 organization of a family or group day care  
8 home, or sponsoring organization of a family or  
9 group day care home, shall revert to the Sec-  
10 retary.

11 (5) REPORTS.—Each State that carries out a  
12 reimbursement program under paragraph (3) shall,  
13 not later than September 30, 2021, submit a report  
14 to the Secretary that includes a summary of the use  
15 of such funds by the State and each new covered in-  
16 stitution, covered institution, new sponsoring organi-  
17 zation of a family or group day care home, or spon-  
18 soring organization of a family or group day care  
19 home.

20 (b) DEFINITIONS.—In this section:

21 (1) CHILD CARE OPERATIONAL EMERGENCY  
22 COSTS.—The term “child care operational emergency  
23 costs” means the costs under the child and adult  
24 care food program under section 17 of the Richard  
25 B. Russell National School Lunch Act (42 U.S.C.

1 1766) incurred by a new covered institution, covered  
2 institution, new sponsoring organization of a family  
3 or group day care home, or sponsoring organization  
4 of a family or group day care home—

5 (A) during a public health emergency;

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

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

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

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

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

24 (3) NEW COVERED INSTITUTION.—The term  
25 “new covered institution” means a covered institu-

1       tion for which no reimbursements were made for  
2       meals and supplements under section 17(e) or (f) of  
3       the Richard B. Russell National School Lunch Act  
4       (42 U.S.C. 1766) with respect to the previous reim-  
5       bursement period.

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

15              (5) PREVIOUS REIMBURSEMENT PERIOD.—The  
16      term “previous reimbursement period” means the  
17      period beginning March 1, 2019, and ending June  
18      30, 2019.

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

1           (7) REIMBURSEMENT MONTH.—The term “re-  
2           imbursement month” means March 2020, April  
3           2020, May 2020, and June 2020.

4           (8) SECRETARY.—The term “Secretary” means  
5           the Secretary of Agriculture.

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

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