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(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R.

To authorize the Secretary of Agriculture to provide certain food assistance for eligible children during periods when their schools are closed due to a public health emergency; and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. FUDGE (for herself and Mr. SCOTT of Virginia) introduced the following bill; which was referred to the Committee on

A BILL

To authorize the Secretary of Agriculture to provide certain food assistance for eligible children during periods when their schools are closed due to a public health emergency; 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 “Pandemic EBT Act
5 of 2020”.

1 **SEC. 2. DEPARTMENT OF AGRICULTURE ASSISTANCE DUR-**
2 **ING PUBLIC HEALTH EMERGENCY.**

3 (a) PANDEMIC EMERGENCY.—During fiscal year
4 2020, in any case in which a school is closed for at least
5 5 consecutive days during a public health emergency des-
6 ignation during which the school would otherwise be in
7 session, each household containing at least 1 member who
8 is an eligible child attending the school shall be eligible
9 to receive assistance pursuant to a state agency plan ap-
10 proved under subsection (b)

11 (b) ASSISTANCE.—To carry out this section, the Sec-
12 retary of Agriculture may approve State agency plans for
13 temporary emergency standards of eligibility and levels of
14 benefits under the Food and Nutrition Act of 2008 (7
15 U.S.C. 2011 et seq.) for households with eligible children.
16 Plans approved by the Secretary may provide for supple-
17 mental allotments to households receiving benefits under
18 such Act, and issuances to households not already receiv-
19 ing benefits. Such level of benefits shall be determined by
20 the Secretary in an amount not less than the value of
21 meals at the free rate over the course of 5 school days
22 for each eligible child in the household.

23 (c) MINIMUM CLOSURE REQUIREMENT.—The Sec-
24 retary of Agriculture shall not provide assistance under
25 this section in the case of a school that is closed for less
26 than 5 consecutive days.

1 (d) USE OF EBT SYSTEM.—A State agency may pro-
2 vide assistance under this section through the EBT card
3 system established under section 7 of the Food and Nutri-
4 tion Act of 2008 (7 U.S.C. 2016).

5 (e) RELEASE OF INFORMATION.—Notwithstanding
6 any other provision of law, the Secretary of Agriculture
7 may authorize State educational agencies and school food
8 authorities administering a school lunch program under
9 the Richard B. Russell National School Lunch Act (42
10 U.S.C. 1751 et seq.) to release to appropriate officials ad-
11 ministering the supplemental nutrition assistance program
12 such information as may be necessary to carry out this
13 section.

14 (f) WAIVERS.—To facilitate implementation of this
15 section, the Secretary of Agriculture may approve waivers
16 of the limits on certification periods otherwise applicable
17 under section 3(f) of the Food and Nutrition Act of 2008
18 (7 U.S.C. 2012(f)), reporting requirements otherwise ap-
19 plicable under section 6(e) of such Act (7 U.S.C. 2015(c)),
20 and other administrative requirements otherwise applica-
21 ble to State agencies under such Act.

22 (g) FUNDING.—The Secretary of Agriculture shall
23 use funds made available under the Food and Nutrition
24 Act of 2008 (7 U.S.C. 2011 et seq.) to fund, with the

1 exception of the commodities described in subsection (h),
2 benefits provided under this section.

3 (h) AVAILABILITY OF COMMODITIES.—During fiscal
4 year 2020, the Secretary of Agriculture may utilize funds
5 appropriated under section 32 of the Act of August 24,
6 1935 (7 U.S.C. 612c), to purchase commodities for emer-
7 gency distribution in any area of the United States during
8 a public health emergency designation.

9 (i) DEFINITIONS.—In this section:

10 (1) The term “eligible child” means a child (as
11 defined in section 12(d), or served under section
12 11(a)(1), of the Richard B. Russell National School
13 Lunch Act (42 U.S.C. 1760(d), 1759(a)(1)) who, if
14 not for the closure of the school attended by the
15 child during a public health emergency designation
16 and due to concerns about a novel coronavirus out-
17 break, would receive free or reduced price school
18 meals under the Richard B. Russell National School
19 Lunch Act (42 U.S.C. 1751 et seq.) at the school.

20 (2) The term “public health emergency designa-
21 tion” means the declaration—

22 (A) of a public health emergency, based on
23 an outbreak of coronavirus disease 2019
24 (COVID-19) , by the Secretary of Health and

1 Human Services under section 319 of the Pub-
2 lic Health Service Act (42 U.S.C. 247d); or

3 (B) of a domestic emergency, based on an
4 outbreak of coronavirus disease 2019 (COVID-
5 19) , by the Secretary of Homeland Security.

6 (3) The term “school” has the meaning given
7 the term in section 12(d) of the Richard B. Russell
8 National School Lunch Act (42 U.S.C. 1760(d)).