

116TH CONGRESS
2D SESSION

S. 3719

To amend the Food and Nutrition Act of 2008 to require that supplemental nutrition assistance program benefits be calculated using the value of the low-cost food plan, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 13, 2020

Ms. HARRIS (for herself, Mrs. GILLIBRAND, and Mr. SANDERS) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Food and Nutrition Act of 2008 to require that supplemental nutrition assistance program benefits be calculated using the value of the low-cost food plan, 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 “Closing the Meal Gap
5 Act of 2020”.

1 **SEC. 2. CALCULATION OF PROGRAM BENEFITS USING LOW-**
 2 **COST FOOD PLAN.**

3 (a) DEFINITION OF LOW-COST FOOD PLAN.—Sec-
 4 tion 3 of the Food and Nutrition Act of 2008 (7 U.S.C.
 5 2012) is amended—

6 (1) by striking subsection (u);

7 (2) by redesignating subsections (n) through (t)
 8 as subsections (o) through (u), respectively; and

9 (3) by inserting after subsection (m) the fol-
 10 lowing:

11 “(n) LOW-COST FOOD PLAN.—

12 “(1) IN GENERAL.—The term ‘low-cost food
 13 plan’ means the diet, determined in accordance with
 14 the calculations of the Secretary, required to feed a
 15 4-person family that consists of—

16 “(A) a man and a woman who are each be-
 17 tween 19 and 50 years of age;

18 “(B) a child who is between 6 and 8 years
 19 of age; and

20 “(C) a child who is between 9 and 11
 21 years of age.

22 “(2) COST.—For purposes of paragraph (1),
 23 the cost of the diet described in that paragraph shall
 24 be the basis for uniform allotments for all house-
 25 holds regardless of the actual composition of the
 26 household, except that the Secretary shall—

1 “(A) make household-size adjustments
2 (based on the unrounded cost of that diet) tak-
3 ing into account economies of scale;

4 “(B) make cost adjustments in the low-
5 cost food plan for the State of Hawaii and the
6 urban and rural parts of the State of Alaska to
7 reflect the cost of food in Hawaii and urban
8 and rural Alaska, respectively;

9 “(C) make cost adjustments in the sepa-
10 rate low-cost food plans for Guam, the Com-
11 monwealth of Puerto Rico, American Samoa,
12 the Commonwealth of the Northern Mariana Is-
13 lands, and the United States Virgin Islands, to
14 reflect the cost of food in those territories, but
15 not to exceed the cost of food in the 50 States
16 and the District of Columbia; and

17 “(D) on October 1, 2020, and each Octo-
18 ber 1 thereafter, adjust the cost of the diet to
19 reflect the cost of the diet in the immediately
20 preceding June, and round the result to the
21 nearest lower-dollar increment for each house-
22 hold size.”.

23 (b) VALUE OF ALLOTMENT.—Section 8(a) of the
24 Food and Nutrition Act of 2008 (7 U.S.C. 2017(a)) is
25 amended—

1 (1) by striking “thrifty food plan” each place it
 2 appears and inserting “low-cost food plan”; and

3 (2) in the proviso, by striking “8 percent” and
 4 inserting “10 percent”.

5 (c) QUALITY CONTROL SYSTEM.—Section
 6 16(c)(1)(A)(ii) of the Food and Nutrition Act of 2008 (7
 7 U.S.C. 2025(c)(1)(A)(ii)) is amended—

8 (1) in subclause (I), by striking “2014, at an
 9 amount not greater than \$37” and inserting “2019,
 10 at an amount equal to not more than \$50”; and

11 (2) in subclause (II)—

12 (A) by striking “thrifty food plan is ad-
 13 justed under section 3(u)(4)” and inserting
 14 “low-cost food plan is adjusted under section
 15 3(n)(2)(D)”; and

16 (B) by striking “2013” and inserting
 17 “2019”.

18 (d) CONFORMING AMENDMENTS.—

19 (1) Section 10 of the Food and Nutrition Act
 20 of 2008 (7 U.S.C. 2019) is amended, in the first
 21 sentence, by striking “3(o)(4)” and inserting
 22 “3(p)(4)”.

23 (2) Section 11 of the Food and Nutrition Act
 24 of 2008 (7 U.S.C. 2020) is amended—

1 (A) in subsection (a)(2), by striking
 2 “3(s)(1)” and inserting “3(t)(1)”;

3 (B) in subsection (d)—

4 (i) by striking “3(s)(1)” each place it
 5 appears and inserting “3(t)(1)”;

6 (ii) by striking “3(s)(2)” each place it
 7 appears and inserting “3(t)(2)”;

8 (iii) by striking “Act (25 U.S.C.
 9 450)” and inserting “and Education As-
 10 sistance Act (25 U.S.C. 3501 et seq.)”;
 11 and

12 (C) in subsection (e)(17), by striking
 13 “3(s)(1)” and inserting “3(t)(1)”.

14 (3) Section 19(a)(2)(A)(ii) of the Food and Nu-
 15 trition Act of 2008 (7 U.S.C. 2028(a)(2)(A)(ii)) is
 16 amended by striking “thrifty food plan has been ad-
 17 justed under section 3(u)(4)” and inserting “low-
 18 cost food plan has been adjusted under section
 19 3(n)(2)(D)”.

20 (4) Section 27(a)(2) of the Food and Nutrition
 21 Act of 2008 (7 U.S.C. 2036(a)(2)) is amended, in
 22 subparagraphs (C) and (E), by striking “thrifty food
 23 plan has been adjusted under section 3(u)(4)” each
 24 place it appears and inserting “low-cost food plan
 25 has been adjusted under section 3(n)(2)(D)”.

1 (5) Section 408(a)(12)(B)(i) of the Social Secu-
 2 rity Act (42 U.S.C. 608(a)(12)(B)(i)) is amended by
 3 striking “(r)” each place it appears.

4 **SEC. 3. DEDUCTIONS FROM INCOME.**

5 (a) STANDARD MEDICAL EXPENSE DEDUCTION.—
 6 Section 5(e)(5) of the Food and Nutrition Act of 2008
 7 (7 U.S.C. 2014(e)(5)) is amended—

8 (1) in the paragraph heading, by striking “EX-
 9 CESS MEDICAL” and inserting “MEDICAL”;

10 (2) in subparagraph (A), by striking “an excess
 11 medical” and all that follows through the period at
 12 the end and inserting “a standard medical deduction
 13 or a medical expense deduction of actual costs for
 14 the allowable medical expenses incurred by the elder-
 15 ly or disabled member, exclusive of special diets.”;

16 (3) in subparagraph (B)(i), by striking “ex-
 17 cess”; and

18 (4) by adding at the end the following:

19 “(D) STANDARD MEDICAL EXPENSE DE-
 20 DUCTION AMOUNT.—

21 “(i) IN GENERAL.—Except as pro-
 22 vided in clause (ii), the standard medical
 23 expense deduction shall be—

24 “(I) for fiscal year 2020, \$140;

25 and

1 “(II) for each subsequent fiscal
 2 year, equal to the applicable amount
 3 for the immediately preceding fiscal
 4 year as adjusted to reflect changes for
 5 the 12-month period ending the pre-
 6 ceding June 30 in the Consumer Price
 7 Index for All Urban Consumers: Med-
 8 ical Care published by the Bureau of
 9 Labor Statistics of the Department of
 10 Labor.

11 “(ii) EXCEPTION.—For any fiscal
 12 year, a State agency may establish a great-
 13 er standard medical expense deduction
 14 than described in clause (i) if the greater
 15 deduction satisfies cost neutrality stand-
 16 ards established by the Secretary for that
 17 fiscal year.”.

18 (b) ELIMINATION OF CAP OF EXCESS SHELTER EX-
 19 PENSES.—

20 (1) IN GENERAL.—Section 5(e)(6) of the Food
 21 and Nutrition Act of 2008 (7 U.S.C. 2014(e)(6)) is
 22 amended—

23 (A) by striking subparagraph (B); and

1 (B) by redesignating subparagraphs (C)
 2 and (D) as subparagraphs (B) and (C), respec-
 3 tively.

4 (2) CONFORMING AMENDMENT.—Section
 5 2605(f)(2)(A) of the Low-Income Home Energy As-
 6 sistance Act of 1981 (42 U.S.C. 8624(f)(2)(A)) is
 7 amended by striking “5(e)(6)(C)(iv)(I) of that Act
 8 (7 U.S.C. 2014(e)(6)(C)(iv)(I))” and inserting
 9 “5(e)(6)(B)(iv)(I) of that Act (7 U.S.C.
 10 2014(e)(6)(B)(iv)(I))”.

11 **SEC. 4. ELIMINATION OF TIME LIMIT.**

12 (a) IN GENERAL.—Section 6 of the Food and Nutri-
 13 tion Act of 2008 (7 U.S.C. 2015) is amended—

14 (1) by striking subsection (o); and

15 (2) by redesignating subsections (p) through (s)
 16 as subsections (o) through (r), respectively.

17 (b) ADDITIONAL ALLOCATIONS FOR STATES THAT
 18 ENSURE AVAILABILITY OF WORK OPPORTUNITIES.—Sec-
 19 tion 16(h) of the Food and Nutrition Act of 2008 (7
 20 U.S.C. 2025(h)) is amended—

21 (1) in paragraph (1)—

22 (A) in subparagraph (C)(iv)(I)—

23 (i) by striking “(F)(viii)” each place it
 24 appears and inserting “(E)(viii)”;

1 (ii) by striking “(F)(vii)(I)” each
 2 place it appears and inserting
 3 “(E)(vii)(I)”;

4 (iii) in item (bb)(BB), by striking
 5 “(F)(vii)(II)” and inserting “(E)(vii)(II)”;
 6 and

7 (iv) in item (cc), by striking “(F)(vii)”
 8 and inserting “(E)(vii)”;

9 (B) by striking subparagraph (E); and

10 (C) by redesignating subparagraph (F) as
 11 subparagraph (E);

12 (2) in paragraphs (3) and (4), by striking
 13 “(1)(F)” each place it appears and inserting
 14 “(1)(E)”;

15 (3) in paragraph (5)(C)—

16 (A) in clause (ii), by adding “and” at the
 17 end;

18 (B) in clause (iii), by striking “; and” and
 19 inserting a period; and

20 (C) by striking clause (iv).

21 (c) CONFORMING AMENDMENTS.—

22 (1) Section 5 of the Food and Nutrition Act of
 23 2008 (7 U.S.C. 2014) is amended—

1 (A) in subsection (a), in the second sen-
2 tence, by striking “(r)” and inserting “(q)”;
3 and

4 (B) in subsection (g)(3), in the first sen-
5 tence, by striking “16(h)(1)(F)” and inserting
6 “16(h)(1)(E)”.

7 (2) Section 6(d)(4) of the Food and Nutrition
8 Act of 2008 (7 U.S.C. 2015(d)(4)) is amended—

9 (A) in subparagraph (B)(ii)(I)(bb)(DD),
10 by striking “or subsection (o)”;

11 (B) in subparagraph (N), by striking “or
12 subsection (o)” each place it appears.

13 (3) Section 7(i)(1) of the Food and Nutrition
14 Act of 2008 (7 U.S.C. 2016(i)(1)) is amended by
15 striking “section 6(o)(2) of this Act or”.

16 (4) Section 16(h)(1) of the Food and Nutrition
17 Act of 2008 (7 U.S.C. 2025(h)) is amended—

18 (A) in subparagraph (B), in the matter
19 preceding clause (i), by striking “that—” and
20 all that follows through the period at the end
21 of clause (ii) and inserting “that is determined
22 and adjusted by the Secretary.”;

23 (B) in clause (ii)(III)(ee)(AA) of subpara-
24 graph (E) (as redesignated by subsection

1 (b)(1)(C)), by striking “, individuals subject to
2 the requirements under section 6(o),”.

3 (5) Section 51(d)(8)(A)(ii) of the Internal Rev-
4 enue Code of 1986 is amended—

5 (A) in subclause (I), by striking “, or” at
6 the end and inserting a period;

7 (B) in the matter preceding subclause (I),
8 by striking “family—” and all that follows
9 through “receiving” in subclause (I) and insert-
10 ing “family receiving”; and

11 (C) by striking subclause (II).

12 (6) Section 103(a)(2) of the Workforce Innova-
13 tion and Opportunity Act (29 U.S.C. 3113) is
14 amended—

15 (A) by striking subparagraph (D); and

16 (B) by redesignating subparagraphs (E)
17 through (K) as subparagraphs (D) through (J),
18 respectively.

19 (7) Section 121(b)(2)(B) of the Workforce In-
20 novation and Opportunity Act (29 U.S.C. 3151) is
21 amended—

22 (A) by striking clause (iv); and

23 (B) by redesignating clauses (v) through
24 (vii) as clauses (iv) through (vi), respectively.

1 **SEC. 5. PARTICIPATION OF PUERTO RICO, AMERICAN**
2 **SAMOA, AND THE NORTHERN MARIANA IS-**
3 **LANDS IN SUPPLEMENTAL NUTRITION AS-**
4 **SISTANCE PROGRAM.**

5 (a) DEFINITION OF STATE.—Subsection (s) of sec-
6 tion 3 of the Food and Nutrition Act of 2008 (7 U.S.C.
7 2012) (as redesignated by section 2(a)(2)) is amended by
8 inserting “the Commonwealth of Puerto Rico, American
9 Samoa, the Commonwealth of the Northern Mariana Is-
10 lands,” after “Guam,”.

11 (b) ELIGIBLE HOUSEHOLDS.—Section 5 of the Food
12 and Nutrition Act of 2008 (7 U.S.C. 2014) is amended—

13 (1) in subsection (c), in the undesignated mat-
14 ter at the end, by striking “States or Guam” and in-
15 serting “States, Guam, the Commonwealth of Puerto
16 Rico, American Samoa, or the Commonwealth of the
17 Northern Mariana Islands”; and

18 (2) by adding at the end the following:

19 “(o) PUERTO RICO, AMERICAN SAMOA, AND THE
20 NORTHERN MARIANA ISLANDS.—Notwithstanding any
21 other provision of this Act, including the requirements
22 under this section, the Commonwealth of Puerto Rico,
23 American Samoa, and the Commonwealth of the Northern
24 Mariana Islands shall each establish their own standards
25 of eligibility for participation by households in the supple-
26 mental nutrition assistance program.”.

1 (c) EFFECTIVE DATE.—

2 (1) IN GENERAL.—The amendments made by
3 subsections (a) and (b) shall be effective with re-
4 spect to the Commonwealth of Puerto Rico, Amer-
5 ican Samoa, and the Commonwealth of the Northern
6 Mariana Islands, as applicable, on the date described
7 in paragraph (2) if the Secretary of Agriculture sub-
8 mits to Congress a certification under subsection
9 (f)(2)(B) of section 19 of the Food and Nutrition
10 Act of 2008 (7 U.S.C. 2028).

11 (2) DATE DESCRIBED.—The date referred to in
12 paragraph (1) is, with respect to the Commonwealth
13 of Puerto Rico, American Samoa, and the Common-
14 wealth of the Northern Mariana Islands, the date es-
15 tablished by the Commonwealth of Puerto Rico,
16 American Samoa, or the Commonwealth of the
17 Northern Mariana Islands, respectively, in the appli-
18 cable plan of operation submitted to the Secretary of
19 Agriculture under subsection (f)(1)(A) of section 19
20 of the Food and Nutrition Act of 2008 (7 U.S.C.
21 2028).

1 **SEC. 6. TRANSITION OF PUERTO RICO, AMERICAN SAMOA,**
 2 **AND THE NORTHERN MARIANA ISLANDS TO**
 3 **SUPPLEMENTAL NUTRITION ASSISTANCE**
 4 **PROGRAM.**

5 Section 19 of the Food and Nutrition Act of 2008
 6 (7 U.S.C. 2028) is amended—

7 (1) in subsection (a)(1)—

8 (A) in subparagraph (A), by striking
 9 “and” at the end;

10 (B) in subparagraph (B), by striking the
 11 period at the end and inserting “; and”; and

12 (C) by adding at the end the following:

13 “(C) the Commonwealth of the Northern
 14 Mariana Islands.”; and

15 (2) by adding at the end the following:

16 “(f) TRANSITION OF PUERTO RICO, AMERICAN
 17 SAMOA, AND THE NORTHERN MARIANA ISLANDS TO SUP-
 18 PLEMENTAL NUTRITION ASSISTANCE PROGRAM.—

19 “(1) REQUEST FOR PARTICIPATION.—A govern-
 20 mental entity may submit to the Secretary a request
 21 to participate in the supplemental nutrition assist-
 22 ance program, which shall include a plan of oper-
 23 ation described in section 11(d), which shall include
 24 the date on which the governmental entity intends to
 25 begin participation in the program.

26 “(2) CERTIFICATION BY SECRETARY.—

1 “(A) IN GENERAL.—The Secretary shall
2 certify a governmental entity that submits a re-
3 quest under paragraph (1) as qualified to par-
4 ticipate in the supplemental nutrition assistance
5 program if the Secretary—

6 “(i) approves the plan of operation
7 submitted with the request, in accordance
8 with this subsection; and

9 “(ii) approves the applications de-
10 scribed in paragraph (4) in accordance
11 with that paragraph.

12 “(B) SUBMISSION OF CERTIFICATION TO
13 CONGRESS.—The Secretary shall submit each
14 certification under subparagraph (A) to Con-
15 gress.

16 “(3) DETERMINATION OF PLAN OF OPER-
17 ATION.—

18 “(A) APPROVAL.—The Secretary shall ap-
19 prove a plan of operation submitted with a re-
20 quest under paragraph (1) if the plan satisfies
21 the requirements under this Act for a plan of
22 operation.

23 “(B) DISAPPROVAL.—If the Secretary does
24 not approve a plan of operation submitted with
25 a request under paragraph (1), the Secretary

1 shall provide to the governmental entity a state-
2 ment that describes each requirement under
3 this Act that is not satisfied by the plan.

4 “(4) APPROVAL OF RETAIL FOOD STORES.—

5 “(A) SOLICITATION OF APPLICATIONS.—If
6 the Secretary approves a plan of operation
7 under paragraph (3)(A) for a governmental en-
8 tity, the Secretary shall accept applications
9 from retail food stores located in that govern-
10 mental entity to be authorized under section 9
11 to participate in the supplemental nutrition as-
12 sistance program.

13 “(B) DETERMINATION.—The Secretary
14 shall authorize a retail food store applying to
15 participate in the supplemental nutrition assist-
16 ance program under subparagraph (A) if the
17 application satisfies the requirements under this
18 Act for authorization of a retail food store.

19 “(5) PUERTO RICO.—In the case of a request
20 under paragraph (1) by the Commonwealth of Puer-
21 to Rico, notwithstanding subsection (g), the Sec-
22 retary shall allow the Commonwealth of Puerto Rico
23 to continue to carry out under the supplemental nu-
24 trition assistance program the Family Market Pro-
25 gram established pursuant to this section.

1 “(6) AUTHORIZATION OF APPROPRIATIONS.—

2 There are authorized to be appropriated to the Sec-
3 retary to carry out this subsection such sums as are
4 necessary for fiscal year 2021, to remain available
5 until expended.

6 “(g) TERMINATION OF EFFECTIVENESS.—

7 “(1) IN GENERAL.—Subsections (a) through (e)
8 shall cease to be effective with respect to the Com-
9 monwealth of Puerto Rico, American Samoa, and
10 the Commonwealth of the Northern Mariana Is-
11 lands, as applicable, on the date described in para-
12 graph (2) if the Secretary submits to Congress a
13 certification under subsection (f)(2)(B) for that gov-
14 ernmental entity.

15 “(2) DATE DESCRIBED.—The date referred to
16 in paragraph (1) is, with respect to the Common-
17 wealth of Puerto Rico, American Samoa, and the
18 Commonwealth of the Northern Mariana Islands,
19 the date established by the Commonwealth of Puerto
20 Rico, American Samoa, or the Commonwealth of the
21 Northern Mariana Islands, respectively, in the appli-
22 cable plan of operation submitted to the Secretary
23 under subsection (f)(1)(A).”.

○