

116TH CONGRESS
1ST SESSION

S. 2143

To amend the Food and Nutrition Act of 2008 to expand the eligibility of students to participate in the supplemental nutrition assistance program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 17, 2019

Ms. WARREN (for herself, Mr. MARKEY, and Ms. HARRIS) 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 expand the eligibility of students to participate in the supplemental nutrition assistance program, 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 “College Student Hun-
5 ger Act of 2019”.

1 **SEC. 2. ELIGIBILITY OF STUDENTS TO PARTICIPATE IN THE**
2 **SUPPLEMENTAL NUTRITION ASSISTANCE**
3 **PROGRAM.**

4 (a) DEFINITION OF HOUSEHOLD.—Section 3(m) of
5 the Food and Nutrition Act of 2008 (7 U.S.C. 2012(m))
6 is amended—

7 (1) in paragraph (4), by inserting “, except
8 with respect to the individuals described in para-
9 graph (5)(F),” before “constitute”; and

10 (2) in paragraph (5), by adding at the end the
11 following:

12 “(F) Students that are enrolled in and are
13 residents of an institution of higher education
14 (as defined in section 102 of the Higher Edu-
15 cation Act of 1965 (20 U.S.C. 1002)) and are
16 eligible to participate in the supplemental nutri-
17 tion assistance program under paragraphs (1)
18 through (11) of section 6(e).”.

19 (b) ELIGIBILITY OF STUDENTS.—Section 6(e) of the
20 Food and Nutrition Act of 2008 (7 U.S.C. 2015(e)) is
21 amended—

22 (1) in paragraph (4), by striking “20” and in-
23 serting “10”;

24 (2) in paragraph (7), by striking “or” at the
25 end;

1 (3) in paragraph (8), by striking the period at
2 the end and inserting a semicolon; and

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

4 “(9) is eligible for a Federal Pell Grant under
5 section 401 of the Higher Education Act of 1965
6 (20 U.S.C. 1070a);

7 “(10) has an expected family contribution equal
8 to zero, as determined by the procedures established
9 in part F of title IV of the Higher Education Act
10 of 1965 (20 U.S.C. 1087kk et seq.); or

11 “(11) is independent (as the term is defined
12 under subparagraph (B), (C), (D), (G), or (H) of
13 section 480(d)(1) of the Higher Education Act (20
14 U.S.C. 1087vv(d)(1))).”.

15 **SEC. 3. ELIGIBILITY NOTIFICATION FOR STUDENTS.**

16 Not later than 1 year after the effective date under
17 section 7, the Secretary of Education, in consultation with
18 the Secretary of Agriculture, shall—

19 (1) notify each student who completes the Free
20 Application for Federal Student Aid and is eligible
21 for a Federal Pell Grant under section 401 of the
22 Higher Education Act of 1965 (20 U.S.C. 1070a) or
23 has an expected family contribution equal to zero, as
24 determined by the procedures established in part F
25 of title IV of the Higher Education Act of 1965 (20

1 U.S.C. 1087kk et seq.), that the student may be eli-
 2 gible for the supplemental nutrition assistance pro-
 3 gram established under the Food and Nutrition Act
 4 of 2008 (7 U.S.C. 2011 et seq.); and

5 (2) direct each student notified under para-
 6 graph (1) to the appropriate State resource to apply
 7 for benefits under that program.

8 **SEC. 4. COMMUNICATION OF INFORMATION ON STUDENT**
 9 **ELIGIBILITY FOR THE SUPPLEMENTAL NU-**
 10 **TRITION ASSISTANCE PROGRAM.**

11 (a) DEFINITIONS.—In this section:

12 (1) COLLEGE STUDENT.—The term “college
 13 student” means a student enrolled in an institution
 14 of higher education.

15 (2) INSPECTOR GENERAL.—The term “Inspec-
 16 tor General” means the Inspector General of the De-
 17 partment of Agriculture.

18 (3) INSTITUTION OF HIGHER EDUCATION.—The
 19 term “institution of higher education” has the
 20 meaning given the term in section 102 of the Higher
 21 Education Act of 1965 (20 U.S.C. 1002).

22 (4) PROGRAM.—The term “program” means
 23 the supplemental nutrition assistance program es-
 24 tablished under the Food and Nutrition Act of 2008
 25 (7 U.S.C. 2011 et seq.).

1 (5) SECRETARY.—The term “Secretary” means
2 the Secretary of Agriculture.

3 (b) AUDIT.—

4 (1) IN GENERAL.—Not later than 90 days after
5 the effective date under section 7, the Inspector
6 General shall conduct an audit of the operations of
7 the Food and Nutrition Service to examine the pro-
8 cedures and outreach practices used by the Food
9 and Nutrition Service to provide to State agencies
10 information about the eligibility of students at insti-
11 tutions of higher education for participation in the
12 program.

13 (2) REPORT TO CONGRESS.—Not later than 90
14 days after completing the audit under paragraph
15 (1), the Inspector General shall submit to Congress
16 a report describing the results of the audit.

17 (c) STRATEGIES REPORT.—Not later than 90 days
18 after the Inspector General submits to Congress a report
19 under subsection (b)(2), the Secretary shall submit to
20 Congress a report that describes the strategy to be used
21 by the Food and Nutrition Service—

22 (1) to increase the awareness of State agencies
23 and institutions of higher education about—

24 (A) college student hunger;

1 (B) the eligibility of college students for
2 the program; and

3 (C) the procedures and resources available
4 to college students who are participating in the
5 program to access benefits under the program;

6 (2) to identify existing or potential barriers and
7 mitigation strategies with respect to those barriers;
8 and

9 (3) to update the strategic communications plan
10 under subsection (d).

11 (d) UPDATED STATE OUTREACH PLAN GUIDANCE.—
12 Not later than 90 days after the Inspector General sub-
13 mits to Congress a report under subsection (b)(2), the
14 Secretary shall publish an updated State Outreach Plan
15 Guidance that—

16 (1) describes existing data on college student
17 hunger;

18 (2) describes the manner in which college stu-
19 dents can access the supplemental nutrition assist-
20 ance program;

21 (3) recommends outreach activities to address
22 college student hunger and encourages States to
23 conduct those and other outreach activities;

24 (4) provides a template for a State to submit
25 information to the Secretary describing the outreach

1 activities being carried out by the State to address
 2 college student hunger; and

3 (5) contains updated guidance based on the re-
 4 sults of the audit conducted under subsection (b)(1)
 5 and the contents of the report submitted under sub-
 6 section (c).

7 **SEC. 5. DEMONSTRATION PILOT PROGRAM.**

8 The Food and Nutrition Act of 2008 (7 U.S.C. 2011
 9 et seq.) is amended by adding at the end the following:

10 **“SEC. 31. COLLEGE STUDENT HUNGER PILOT PROGRAM.**

11 “(a) DEFINITIONS.—In this section:

12 “(1) COLLEGE STUDENT.—The term ‘college
 13 student’ means a student enrolled in an institution
 14 of higher education.

15 “(2) INSTITUTION OF HIGHER EDUCATION.—
 16 The term ‘institution of higher education’ has the
 17 meaning given the term in section 102 of the Higher
 18 Education Act of 1965 (20 U.S.C. 1002).

19 “(3) PILOT PROGRAM.—The term ‘pilot pro-
 20 gram’ means the pilot program established under
 21 subsection (b).

22 “(b) PILOT PROGRAM.—The Secretary, in collabora-
 23 tion with the Secretary of Education, shall establish a pilot
 24 program under which the Secretary shall carry out dem-
 25 onstration projects in accordance with subsection (c)—

1 “(1) to decrease student hunger at institutions
2 of higher education; and

3 “(2) to reduce barriers to college students fully
4 utilizing supplemental nutrition assistance program
5 benefits at institutions of higher education.

6 “(c) DEMONSTRATION PROJECTS.—To carry out the
7 pilot program, the Secretary shall carry out demonstration
8 projects that test the following new supplemental nutrition
9 assistance program delivery methods:

10 “(1) Allowing a college student receiving sup-
11 plemental nutrition assistance program benefits to
12 use those benefits or the cash value of those bene-
13 fits—

14 “(A) to purchase prepared foods from a
15 campus dining hall, on-campus store, or other
16 on-campus merchant or provider that typically
17 sells prepared meals and is affiliated with the
18 institution of higher education at which the stu-
19 dent is enrolled; and

20 “(B) to pay the institution of higher edu-
21 cation the cost of an on-campus college meal
22 plan, in whole or in part.

23 “(2) Allowing a college student to use an EBT
24 card or a campus-specific card at any of the loca-
25 tions described in paragraph (1)(A).

1 “(d) PROJECT LIMIT.—

2 “(1) IN GENERAL.—The Secretary shall carry
3 out not more than 10 demonstration projects under
4 the pilot program simultaneously.

5 “(2) INSTITUTIONS.—The Secretary shall carry
6 out not more than 1 demonstration project under
7 the pilot program at any single institution of higher
8 education.

9 “(e) PROJECT ADMINISTRATION.—The Secretary
10 shall establish criteria and parameters for selecting, oper-
11 ating, monitoring, and terminating each demonstration
12 project under the pilot program.

13 “(f) PROJECT TERMINATION.—To the maximum ex-
14 tent practicable, the Secretary shall ensure that the termi-
15 nation of a demonstration project under the pilot program
16 shall not cause sudden adverse changes or the elimination
17 of benefits under the supplemental nutrition assistance
18 program for students participating in the demonstration
19 project.

20 “(g) PROGRAM TERMINATION.—The pilot program
21 shall terminate on the date that is 10 years after the date
22 on which the pilot program is established.

23 “(h) EVALUATION.—For the duration of the pilot
24 program, the Secretary shall, in collaboration with the
25 Under Secretary for Research, Education, and Economics

1 and the Director of the Institute of Education Sciences,
 2 conduct an annual evaluation of each demonstration
 3 project carried out under the pilot program during the
 4 year covered by the evaluation, including an analysis of
 5 the extent to which the project is meeting the desired out-
 6 comes.

7 “(i) REPORT.—For the duration of the pilot program,
 8 the Secretary shall submit to the Committees on Agri-
 9 culture, Nutrition, and Forestry and Health, Education,
 10 Labor, and Pensions of the Senate and the Committees
 11 on Agriculture and Education and Labor of the House of
 12 Representatives an annual report that includes—

13 “(1) a description of each demonstration project
 14 carried out under the pilot program during the year
 15 covered by the report;

16 “(2) the evaluation conducted under subsection
 17 (h); and

18 “(3) recommendations for legislation to improve
 19 the supplemental nutrition assistance program to
 20 better serve college students.

21 “(j) WAIVER AND MODIFICATION AUTHORITY.—

22 “(1) IN GENERAL.—Subject to paragraph (2),
 23 the Secretary may, as may be necessary solely to
 24 carry out the pilot program—

1 “(A) waive any provision under this Act,
2 including—

3 “(i) the requirement relating to local
4 sales tax under section 4(a);

5 “(ii) requirements relating to the
6 issuance and use of supplemental nutrition
7 assistance program benefits under section
8 7; and

9 “(iii) requirements for approval of re-
10 tail food stores under section 9; and

11 “(B) modify the definitions under this Act
12 for the purposes of the pilot program, including
13 the definition of—

14 “(i) the term ‘food’ under section
15 3(k);

16 “(ii) the term ‘household’ under sec-
17 tion 3(m); and

18 “(iii) the term ‘retail food store’ under
19 section 3(o).

20 “(2) LIMITATION.—The Secretary may not
21 waive a provision or modify a definition under para-
22 graph (1) if the waiver or modification will—

23 “(A) cause increased difficulty for any
24 household to apply for or access supplemental
25 nutrition assistance program benefits; or

1 “(B) reduce the value of those benefits for
2 any household.

3 “(k) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to the Secretary such
5 sums as are necessary to carry out this section.”.

6 **SEC. 6. EFFECTIVE DATE.**

7 This Act and the amendments made by this Act shall
8 take effect on the first day of the fiscal year that begins
9 after the date of enactment of this Act.

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