

117TH CONGRESS
1ST SESSION

S. 2192

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

JUNE 23, 2021

Mrs. GILLIBRAND (for herself, Mr. SANDERS, Mr. BOOKER, Mr. PADILLA, and Ms. WARREN) 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 2021”.

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) REEVALUATION.—By December 31, 2027,
 23 and at 5-year intervals thereafter, the Secretary
 24 shall reevaluate and publish the market baskets of
 25 the low-cost food plan, based on current food prices,

1 food composition data, consumption patterns, and
2 dietary guidance.

3 “(3) COST.—For purposes of paragraph (1),
4 the cost of the diet described in that paragraph shall
5 be the basis for uniform allotments for all house-
6 holds regardless of the actual composition of the
7 household, except that the Secretary shall—

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

11 “(B) make cost adjustments in the low-
12 cost food plan for the State of Hawaii and the
13 urban and rural parts of the State of Alaska to
14 reflect the cost of food in Hawaii and urban
15 and rural Alaska, respectively;

16 “(C) make cost adjustments in the sepa-
17 rate low-cost food plans for Guam, the Com-
18 monwealth of Puerto Rico, American Samoa,
19 the Commonwealth of the Northern Mariana Is-
20 lands, and the United States Virgin Islands, to
21 reflect the cost of food in those territories, but
22 not to exceed the cost of food in the 50 States
23 and the District of Columbia; and

24 “(D) on October 1, 2021, and each Octo-
25 ber 1 thereafter, adjust the cost of the diet to

1 reflect the cost of the diet in the immediately
 2 preceding June, and round the result to the
 3 nearest lower-dollar increment for each house-
 4 hold size.”.

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

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

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

12 (c) QUALITY CONTROL SYSTEM.—Section
 13 16(c)(1)(A)(ii) of the Food and Nutrition Act of 2008 (7
 14 U.S.C. 2025(c)(1)(A)(ii)) is amended—

15 (1) in subclause (II)—

16 (A) by striking “thrifty food plan is ad-
 17 justed under section 3(u)(4)” and inserting
 18 “low-cost food plan is adjusted under section
 19 3(n)(3)(D)”;

20 (B) by striking “2013” and inserting
 21 “2022”;

22 (2) by redesignating subclause (II) as subclause
 23 (III); and

24 (3) by striking subclause (I) and inserting the
 25 following:

1 “(I) for fiscal year 2021, at an
2 amount not greater than \$50;

3 “(II) for fiscal year 2022, the
4 amount specified in subclause (I) ad-
5 justed by the difference between the
6 thrifty food plan (as defined in section
7 3 (as in effect on the day before the
8 date of enactment of the Closing the
9 Meal Gap Act of 2021)) and the low-
10 cost food plan; and”.

11 (d) CONFORMING AMENDMENTS.—

12 (1) Section 10 of the Food and Nutrition Act
13 of 2008 (7 U.S.C. 2019) is amended, in the first
14 sentence, by striking “3(o)(4)” and inserting
15 “3(p)(4)”.

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

18 (A) in subsection (a)(2), by striking
19 “3(s)(1)” and inserting “3(t)(1)”;

20 (B) in subsection (d)—

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

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

1 (iii) by striking “Act (25 U.S.C.
 2 450)” and inserting “and Education As-
 3 sistance Act (25 U.S.C. 3501 et seq.)”;
 4 and
 5 (C) in subsection (e)(17), by striking
 6 “3(s)(1)” and inserting “3(t)(1)”.

7 (3) Section 19(a)(2)(A)(ii) of the Food and Nu-
 8 trition Act of 2008 (7 U.S.C. 2028(a)(2)(A)(ii)) is
 9 amended by striking “thrifty food plan has been ad-
 10 justed under section 3(u)(4)” and inserting “low-
 11 cost food plan has been adjusted under section
 12 3(n)(3)(D)”.

13 (4) Section 27(a)(2) of the Food and Nutrition
 14 Act of 2008 (7 U.S.C. 2036(a)(2)) is amended—

15 (A) in subparagraph (C)—

16 (i) by striking “through 2023” and
 17 inserting “through 2020”; and

18 (ii) by inserting “(as in effect on the
 19 day before the date of enactment of the
 20 Closing the Meal Gap Act of 2021)” after
 21 “section 3(u)(4)”;

22 (B) in subparagraph (D)—

23 (i) in the matter preceding clause (i),
 24 by striking “through 2023” and inserting
 25 “through 2020”;

1 (ii) in clause (v), by adding “and”
 2 after the semicolon; and

3 (iii) by striking clauses (vii) through
 4 (ix);

5 (C) in subparagraph (E), by striking “sub-
 6 paragraph (D)(ix) adjusted by the percentage
 7 by which the thrifty food plan has been ad-
 8 justed under section 3(u)(4)” and inserting
 9 “subparagraph (F) adjusted by the percentage
 10 by which the low-cost food plan has been ad-
 11 justed under section 3(n)(3)(D)”;

12 (D) by redesignating subparagraph (E) as
 13 subparagraph (G); and

14 (E) by inserting after subparagraph (D)
 15 the following:

16 “(E) for fiscal year 2021, the sum ob-
 17 tained by adding—

18 “(i) the dollar amount of commodities
 19 specified in subparagraph (B) adjusted by
 20 the difference between the thrifty food plan
 21 (as defined in section 3 (as in effect on the
 22 day before the date of enactment of the
 23 Closing the Meal Gap Act of 2021)) and
 24 the low-cost food plan; and

25 “(ii) \$35,000,000;

1 “(F) for each of fiscal years 2022 and
2 2023, the sum obtained by adding—

3 “(i) the dollar amount of commodities
4 specified in subparagraph (B) adjusted by
5 the percentage by which the low-cost food
6 plan has been adjusted under section
7 3(u)(4) between June 30, 2021, and June
8 30 of the immediately preceding fiscal
9 year; and

10 “(ii) \$35,000,000; and”.

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

14 **SEC. 3. DEDUCTIONS FROM INCOME.**

15 (a) STANDARD MEDICAL EXPENSE DEDUCTION.—
16 Section 5(e)(5) of the Food and Nutrition Act of 2008
17 (7 U.S.C. 2014(e)(5)) is amended—

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

20 (2) in subparagraph (A), by striking “an excess
21 medical” and all that follows through the period at
22 the end and inserting “a standard medical deduction
23 or a medical expense deduction of actual costs for
24 the allowable medical expenses incurred by the elder-
25 ly or disabled member, exclusive of special diets.”;

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

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

4 “(D) STANDARD MEDICAL EXPENSE DE-
5 DUCTION AMOUNT.—

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

9 “(I) for fiscal year 2021, \$140;
10 and

11 “(II) for each subsequent fiscal
12 year, equal to the applicable amount
13 for the immediately preceding fiscal
14 year as adjusted to reflect changes for
15 the 12-month period ending the pre-
16 ceding June 30 in the Consumer Price
17 Index for All Urban Consumers: Med-
18 ical Care published by the Bureau of
19 Labor Statistics of the Department of
20 Labor.

21 “(ii) EXCEPTION.—For any fiscal
22 year, a State agency may establish a great-
23 er standard medical expense deduction
24 than described in clause (i) if the greater
25 deduction satisfies cost neutrality stand-

1 ards established by the Secretary for that
2 fiscal year.”.

3 (b) ELIMINATION OF CAP OF EXCESS SHELTER EX-
4 PENSES.—

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

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

9 (B) by redesignating subparagraphs (C)
10 and (D) as subparagraphs (B) and (C), respec-
11 tively.

12 (2) CONFORMING AMENDMENT.—Section
13 2605(f)(2)(A) of the Low-Income Home Energy As-
14 sistance Act of 1981 (42 U.S.C. 8624(f)(2)(A)) is
15 amended by striking “5(e)(6)(C)(iv)(I) of that Act
16 (7 U.S.C. 2014(e)(6)(C)(iv)(I))” and inserting
17 “5(e)(6)(B)(iv)(I) of that Act (7 U.S.C.
18 2014(e)(6)(B)(iv)(I))”.

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

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

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

23 (2) by redesignating subsections (p) through (s)
24 as subsections (o) through (r), respectively.

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

5 (1) in paragraph (1)—

6 (A) in subparagraph (C)(iv)(I)—

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

9 (ii) by striking “(F)(vii)(I)” each
 10 place it appears and inserting
 11 “(E)(vii)(I)”;

12 (iii) in item (bb)(BB), by striking
 13 “(F)(vii)(II)” and inserting “(E)(vii)(II)”;
 14 and

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

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

18 (C) by redesignating subparagraph (F) as
 19 subparagraph (E);

20 (2) in paragraphs (3) and (4), by striking
 21 “(1)(F)” each place it appears and inserting
 22 “(1)(E)”;

23 (3) in paragraph (5)(C)—

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

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

3 (C) by striking clause (iv).

4 (c) CONFORMING AMENDMENTS.—

5 (1) Section 5 of the Food and Nutrition Act of
 6 2008 (7 U.S.C. 2014) is amended—

7 (A) in subsection (a), in the second sen-
 8 tence, by striking “(r)” and inserting “(q)”;
 9 and

10 (B) in subsection (g)(3), in the first sen-
 11 tence, by striking “16(h)(1)(F)” and inserting
 12 “16(h)(1)(E)”.

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

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

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

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

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

24 (A) in subparagraph (B), in the matter
 25 preceding clause (i), by striking “that—” and

1 all that follows through the period at the end
 2 of clause (ii) and inserting “that is determined
 3 and adjusted by the Secretary.”; and

4 (B) in clause (ii)(III)(ee)(AA) of subpara-
 5 graph (E) (as redesignated by subsection
 6 (b)(1)(C)), by striking “, individuals subject to
 7 the requirements under section 6(o),”.

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

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

12 (B) in the matter preceding subclause (I),
 13 by striking “family—” and all that follows
 14 through “receiving” in subclause (I) and insert-
 15 ing “family receiving”; and

16 (C) by striking subclause (II).

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

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

21 (B) by redesignating subparagraphs (E)
 22 through (K) as subparagraphs (D) through (J),
 23 respectively.

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

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

5 (B) by redesignating clauses (v) through
 6 (vii) as clauses (iv) through (vi), respectively.

7 **SEC. 5. PARTICIPATION OF PUERTO RICO, AMERICAN**
 8 **SAMOA, AND THE NORTHERN MARIANA IS-**
 9 **LANDS IN SUPPLEMENTAL NUTRITION AS-**
 10 **SISTANCE PROGRAM.**

11 (a) DEFINITION OF STATE.—Subsection (s) of sec-
 12 tion 3 of the Food and Nutrition Act of 2008 (7 U.S.C.
 13 2012) (as redesignated by section 2(a)(2)) is amended by
 14 inserting “the Commonwealth of Puerto Rico, American
 15 Samoa, the Commonwealth of the Northern Mariana Is-
 16 lands,” after “Guam,”.

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

19 (1) in subsection (c), in the undesignated mat-
 20 ter at the end, by striking “States or Guam” and in-
 21 serting “States, Guam, the Commonwealth of Puerto
 22 Rico, American Samoa, or the Commonwealth of the
 23 Northern Mariana Islands”; and

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

1 “(o) PUERTO RICO, AMERICAN SAMOA, AND THE
2 NORTHERN MARIANA ISLANDS.—Notwithstanding any
3 other provision of this Act, including the requirements
4 under this section, the Commonwealth of Puerto Rico,
5 American Samoa, and the Commonwealth of the Northern
6 Mariana Islands shall each establish their own standards
7 of eligibility for participation by households in the supple-
8 mental nutrition assistance program.”.

9 (c) EFFECTIVE DATE.—

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

19 (2) DATE DESCRIBED.—The date referred to in
20 paragraph (1) is, with respect to the Commonwealth
21 of Puerto Rico, American Samoa, and the Common-
22 wealth of the Northern Mariana Islands, the date es-
23 tablished by the Commonwealth of Puerto Rico,
24 American Samoa, or the Commonwealth of the
25 Northern Mariana Islands, respectively, in the appli-

1 cable plan of operation submitted to the Secretary of
 2 Agriculture under subsection (f)(1)(A) of section 19
 3 of the Food and Nutrition Act of 2008 (7 U.S.C.
 4 2028).

5 **SEC. 6. TRANSITION OF PUERTO RICO, AMERICAN SAMOA,**
 6 **AND THE NORTHERN MARIANA ISLANDS TO**
 7 **SUPPLEMENTAL NUTRITION ASSISTANCE**
 8 **PROGRAM.**

9 Section 19 of the Food and Nutrition Act of 2008
 10 (7 U.S.C. 2028) is amended—

11 (1) in subsection (a)(1)—

12 (A) in subparagraph (A), by striking
 13 “and” at the end;

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

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

17 “(C) the Commonwealth of the Northern
 18 Mariana Islands.”; and

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

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

23 “(1) REQUEST FOR PARTICIPATION.—A govern-
 24 mental entity may submit to the Secretary a request
 25 to participate in the supplemental nutrition assist-

1 ance program, which shall include a plan of oper-
 2 ation described in section 11(d), which shall include
 3 the date on which the governmental entity intends to
 4 begin participation in the program.

5 “(2) CERTIFICATION BY SECRETARY.—

6 “(A) IN GENERAL.—The Secretary shall
 7 certify a governmental entity that submits a re-
 8 quest under paragraph (1) as qualified to par-
 9 ticipate in the supplemental nutrition assistance
 10 program if the Secretary—

11 “(i) approves the plan of operation
 12 submitted with the request, in accordance
 13 with this subsection; and

14 “(ii) approves the applications de-
 15 scribed in paragraph (4) in accordance
 16 with that paragraph.

17 “(B) SUBMISSION OF CERTIFICATION TO
 18 CONGRESS.—The Secretary shall submit each
 19 certification under subparagraph (A) to Con-
 20 gress.

21 “(3) DETERMINATION OF PLAN OF OPER-
 22 ATION.—

23 “(A) APPROVAL.—The Secretary shall ap-
 24 prove a plan of operation submitted with a re-
 25 quest under paragraph (1) if the plan satisfies

1 the requirements under this Act for a plan of
2 operation.

3 “(B) DISAPPROVAL.—If the Secretary does
4 not approve a plan of operation submitted with
5 a request under paragraph (1), the Secretary
6 shall provide to the governmental entity a state-
7 ment that describes each requirement under
8 this Act that is not satisfied by the plan.

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

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

18 “(B) DETERMINATION.—The Secretary
19 shall authorize a retail food store applying to
20 participate in the supplemental nutrition assist-
21 ance program under subparagraph (A) if the
22 application satisfies the requirements under this
23 Act for authorization of a retail food store.

24 “(5) PUERTO RICO.—In the case of a request
25 under paragraph (1) by the Commonwealth of Puer-

1 to Rico, notwithstanding subsection (g), the Sec-
 2 retary shall allow the Commonwealth of Puerto Rico
 3 to continue to carry out under the supplemental nu-
 4 trition assistance program the Family Market Pro-
 5 gram established pursuant to this section.

6 “(6) AUTHORIZATION OF APPROPRIATIONS.—
 7 There are authorized to be appropriated to the Sec-
 8 retary to carry out this subsection such sums as are
 9 necessary for fiscal year 2021, to remain available
 10 until expended.

11 “(g) TERMINATION OF EFFECTIVENESS.—

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

20 “(2) DATE DESCRIBED.—The date referred to
 21 in paragraph (1) is, with respect to the Common-
 22 wealth of Puerto Rico, American Samoa, and the
 23 Commonwealth of the Northern Mariana Islands,
 24 the date established by the Commonwealth of Puerto
 25 Rico, American Samoa, or the Commonwealth of the

- 1 Northern Mariana Islands, respectively, in the appli-
- 2 cable plan of operation submitted to the Secretary
- 3 under subsection (f)(1)(A).”.

○