

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.

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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

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## 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 sserting “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).”.

○