

117TH CONGRESS
1ST SESSION

H. R. 5591

To amend the Food and Nutrition Act of 2008 to expand the eligibility of students to participate in the supplemental nutrition assistance program, establish college student food insecurity demonstration programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 15, 2021

Mrs. HAYES (for herself, Mr. LAWSON of Florida, and Mrs. TORRES of California) introduced the following bill; which was referred to the Committee on Agriculture

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, establish college student food insecurity demonstration programs, 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 “Student Food Security
5 Act of 2021”.

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

4 (a) DEFINITION OF HOUSEHOLD.—Section 3(m)(5)
5 of the Food and Nutrition Act of 2008 (7 U.S.C.
6 2012(m)(5)) is amended by adding at the end the fol-
7 lowing:

8 “(F) Individuals who are students and
9 residents of an institution of higher education
10 (as defined in section 102 of the Higher Edu-
11 cation Act of 1965 (20 U.S.C. 1002)).”.

12 (b) ELIGIBILITY OF STUDENTS.—Section 6 of the
13 Food and Nutrition Act of 2008 (7 U.S.C. 2015) is
14 amended—

15 (1) in the section heading, by inserting
16 “**QUALIFICATIONS AND**” after “**ELIGIBILITY**”;

17 (2) in subsection (d)(2)(C)—

18 (A) by inserting “who is” after “student”;

19 and

20 (B) by striking “(except” and all that fol-
21 lows through “section)” and inserting “(as de-
22 termined by the school, training program, or in-
23 stitution of higher education) and meets the re-
24 quirements for eligibility under subsection (e)”;

25 and

26 (3) in subsection (e)—

- 1 (A) in paragraph (3)—
- 2 (i) in subparagraph (B), by redesignig-
- 3 nating clauses (i) and (ii) as subclauses (I)
- 4 and (II), respectively, and indenting appro-
- 5 priately; and
- 6 (ii) by redesignating subparagraphs
- 7 (A) through (D) as clauses (i) through
- 8 (iv), respectively, and indenting appro-
- 9 priately;
- 10 (B) in paragraph (5), by redesignating
- 11 subparagraphs (A) and (B) as clauses (i) and
- 12 (ii), respectively, and indenting appropriately;
- 13 (C) by redesignating paragraphs (1)
- 14 through (8) as subparagraphs (A) through (H),
- 15 respectively, and indenting appropriately;
- 16 (D) in subparagraph (D) (as so redesignig-
- 17 nated), by striking “20” and inserting “10”;
- 18 (E) in subparagraph (E)(ii) (as so redesignig-
- 19 nated), by striking “paragraph (4)” and insert-
- 20 ing “subparagraph (D)”;
- 21 (F) in subparagraph (G) (as so redesignig-
- 22 nated), by striking “or” at the end after the
- 23 semicolon;

1 (G) in subparagraph (H) (as so redesignig-
2 nated), by striking the period at the end and in-
3 serting a semicolon;

4 (H) in the matter preceding subparagraph
5 (A) (as so redesignated), by striking “(e) No in-
6 dividual” and all that follows through “indi-
7 vidual—” and inserting the following:

8 “(e) QUALIFICATIONS FOR STUDENTS.—A student
9 enrolled in any recognized school, training program, or in-
10 stitution of higher education (as defined in section 102
11 of the Higher Education Act of 1965 (20 U.S.C. 1002))
12 shall be eligible to participate in the supplemental nutri-
13 tion assistance program if—

14 “(1) the student satisfies the income and other
15 eligibility requirements of this Act; and

16 “(2) the student—”; and

17 (I) in paragraph (2) (as so designated), by
18 adding at the end the following:

19 “(I) is eligible to participate in a State or
20 federally financed work study program, includ-
21 ing the program authorized under part C of
22 title IV of the Higher Education Act of 1965
23 (20 U.S.C. 1087–51 et seq.);

1 “(J)(i) is not an independent student (as
2 defined in section 480(d) of the Higher Edu-
3 cation Act of 1965 (20 U.S.C. 1087vv(d))); and

4 “(ii)(I) has an expected family contribution
5 or student aid index of not more than \$0, as
6 determined in accordance with part F of title
7 IV of the Higher Education Act of 1965 (20
8 U.S.C. 1087kk et seq.); or

9 “(II) meets the financial eligibility criteria
10 for receiving a maximum Federal Pell Grant
11 under subpart 1 of part A of title IV of the
12 Higher Education Act of 1965 (20 U.S.C.
13 1070a et seq.)—

14 “(aa) regardless of whether the stu-
15 dent has completed the Free Application
16 for Federal Student Aid described in sec-
17 tion 483 of that Act (20 U.S.C. 1090); and

18 “(bb) as determined by a State using
19 the income of the student, as determined
20 under—

21 “(AA) the supplemental nutrition
22 assistance program or another Fed-
23 eral or State means-tested program;
24 or

1 “(BB) another reasonable simpli-
2 fying assumption; or

3 “(K)(i) is an independent student (as de-
4 fined in section 480(d) of the Higher Education
5 Act of 1965 (20 U.S.C. 1087vv(d)); and

6 “(ii) is a member of a household otherwise
7 eligible to participate in the supplemental nutri-
8 tion assistance program.”.

9 (c) CONFORMING AMENDMENT.—Section 6(d)(2)(C)
10 of the Food and Nutrition Act of 2008 (7 U.S.C.
11 2015(d)(2)(C)) is amended by striking “half time” and
12 inserting “half-time”.

13 **SEC. 3. COMMUNICATION OF INFORMATION ON STUDENT**
14 **ELIGIBILITY FOR NUTRITION ASSISTANCE**
15 **PROGRAMS.**

16 (a) DEFINITIONS.—In this section:

17 (1) COLLEGE STUDENT.—The term “college
18 student” means a student enrolled in an institution
19 of higher education.

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

24 (3) PROGRAM.—The term “program” means
25 the supplemental nutrition assistance program es-

1 established under the Food and Nutrition Act of 2008
2 (7 U.S.C. 2011 et seq.).

3 (4) SECRETARY.—The term “Secretary” means
4 the Secretary of Agriculture.

5 (b) STRATEGIES REPORT.—Not later than 180 days
6 after the effective date of this Act, the Secretary shall sub-
7 mit to Congress a report that describes the strategy to
8 be used by the Secretary—

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

11 (A) college student food insecurity;

12 (B) the eligibility of college students for
13 the program; and

14 (C) the procedures and resources available
15 to college students who are not participating in
16 the program to access benefits under the pro-
17 gram;

18 (2) to identify—

19 (A) existing or potential informational,
20 educational, policy, and psychological barriers
21 to enrolling in the program and barriers to
22 complying with program requirements;

23 (B) mitigation strategies with respect to
24 those barriers; and

1 (C) opportunities for collaboration with the
2 Department of Education and other relevant
3 Federal agencies; and

4 (3) to update the State Outreach Plan Guid-
5 ance under subsection (c).

6 (c) UPDATED STATE OUTREACH PLAN GUIDANCE.—

7 Not later than 90 days after the Secretary submits to Con-
8 gress a report under subsection (b), the Secretary shall
9 publish an updated State Outreach Plan Guidance that—

10 (1) describes existing data on college student
11 food insecurity;

12 (2) describes the manner in which college stu-
13 dents can access the supplemental nutrition assist-
14 ance program;

15 (3) recommends outreach activities to address
16 college student food insecurity and encourages
17 States to conduct those and other outreach activi-
18 ties;

19 (4) provides a template for a State to submit
20 information to the Secretary describing the outreach
21 activities being carried out by the State to address
22 college student food insecurity; and

23 (5) contains updated guidance based on the
24 contents of that report.

1 **SEC. 4. DEMONSTRATION PROGRAM.**

2 Section 17 of the Food and Nutrition Act of 2008
3 (7 U.S.C. 2026) is amended by adding at the end the fol-
4 lowing:

5 “(o) COLLEGE STUDENT FOOD INSECURITY DEM-
6 ONSTRATION PROGRAM.—

7 “(1) DEFINITIONS.—In this subsection:

8 “(A) COLLEGE STUDENT.—The term ‘col-
9 lege student’ means a student enrolled in an in-
10 stitution of higher education.

11 “(B) DEMONSTRATION PROGRAM.—The
12 term ‘demonstration program’ means the dem-
13 onstration program established under para-
14 graph (2).

15 “(C) INSTITUTION OF HIGHER EDU-
16 CATION.—The term ‘institution of higher edu-
17 cation’—

18 “(i) has the meaning given the term
19 in section 101 of the Higher Education
20 Act of 1965 (20 U.S.C. 1001); and

21 “(ii) includes a postsecondary voca-
22 tional institution (as defined in section 102
23 of the Higher Education Act of 1965 (20
24 U.S.C. 1002)).

25 “(2) DEMONSTRATION PROGRAM.—Pursuant to
26 subsection (b), the Secretary, in collaboration with

1 the Secretary of Education, shall establish a dem-
2 onstration program under which the Secretary shall
3 carry out demonstration projects in accordance with
4 paragraph (3)—

5 “(A) to decrease student food insecurity at
6 institutions of higher education; and

7 “(B) to reduce barriers to college students
8 fully utilizing supplemental nutrition assistance
9 program benefits at institutions of higher edu-
10 cation.

11 “(3) DEMONSTRATION PROJECTS.—To carry
12 out the demonstration program, the Secretary shall
13 carry out demonstration projects that test the fol-
14 lowing new supplemental nutrition assistance pro-
15 gram delivery methods:

16 “(A) Allowing a college student receiving
17 supplemental nutrition assistance program ben-
18 efits—

19 “(i) to use those benefits to purchase
20 prepared foods from a campus dining hall,
21 on-campus store, or other on-campus mer-
22 chant or provider that typically sells pre-
23 pared meals and participates in the stu-
24 dent meal program at the institution of

1 higher education at which the student is
2 enrolled; and

3 “(ii) to be exempt from requirements
4 to purchase a campus meal plan as part of
5 the attendance of the college student at the
6 institution of higher education.

7 “(B) Allowing a college student to use an
8 EBT card or a campus-specific card at any of
9 the locations described in subparagraph (A)(i)
10 or a retailer authorized under section 9.

11 “(4) PROJECT LIMIT.—

12 “(A) IN GENERAL.—The Secretary shall
13 carry out not more than 10 demonstration
14 projects under the demonstration program si-
15 multaneously.

16 “(B) INSTITUTIONS.—The Secretary shall
17 carry out not more than 1 demonstration
18 project under the demonstration program at
19 any single institution of higher education.

20 “(5) PRIORITY.—In selecting an institution of
21 higher education at which to carry out a demonstra-
22 tion project, the Secretary shall give priority to an
23 institution of higher education—

24 “(A) at which not less than 25 percent of
25 enrolled students are students that are eligible

1 to receive a Federal Pell Grant under subpart
2 1 of part A of title IV of the Higher Education
3 Act of 1965 (20 U.S.C. 1070a et seq.); or

4 “(B) that is described in section 371(a) of
5 the Higher Education Act of 1965 (20 U.S.C.
6 1067q(a)).

7 “(6) PROJECT ADMINISTRATION.—

8 “(A) IN GENERAL.—The Secretary shall
9 establish criteria and parameters for selecting,
10 operating, monitoring, and terminating each
11 demonstration project under the demonstration
12 program.

13 “(B) PRICES CHARGED.—The Secretary
14 shall ensure that prices charged by food pro-
15 viders participating in a demonstration project
16 under the demonstration program are com-
17 parable to prices charged by those food pro-
18 viders prior to participation.

19 “(7) PROJECT TERMINATION.—To the max-
20 imum extent practicable, the Secretary shall ensure
21 that the termination of a demonstration project
22 under the demonstration program shall not cause
23 sudden adverse changes, including a reduction of in-
24 stitutional financial aid or the elimination of benefits
25 under the supplemental nutrition assistance pro-

1 gram, for students participating in the demonstra-
2 tion project.

3 “(8) PROGRAM TERMINATION.—The demonstra-
4 tion program shall terminate on the date that is 10
5 years after the date on which the demonstration pro-
6 gram is established.

7 “(9) EVALUATION.—For the duration of the
8 demonstration program, the Secretary shall, in col-
9 laboration with the Director of the Institute of Edu-
10 cation Sciences, conduct an annual evaluation of
11 each demonstration project carried out under the
12 demonstration program during the year covered by
13 the evaluation, including an analysis of the extent to
14 which the project is meeting the desired outcomes,
15 which include reduction in food insecurity and im-
16 proved academic performance.

17 “(10) REPORT.—For the duration of the dem-
18 onstration program, the Secretary shall submit to
19 the Committees on Agriculture, Nutrition, and For-
20 estry and Health, Education, Labor, and Pensions
21 of the Senate and the Committees on Agriculture
22 and Education and Labor of the House of Rep-
23 resentatives an annual report that includes—

1 “(A) a description of each demonstration
2 project carried out under the demonstration
3 program during the year covered by the report;

4 “(B) the evaluation conducted under para-
5 graph (9); and

6 “(C) recommendations for legislation to
7 improve the supplemental nutrition assistance
8 program to better serve college students.

9 “(11) WAIVER AND MODIFICATION AUTHOR-
10 ITY.—

11 “(A) IN GENERAL.—Subject to subpara-
12 graph (B), the Secretary may, as may be nec-
13 essary solely to carry out the demonstration
14 program—

15 “(i) waive any provision under this
16 Act, including—

17 “(I) the requirement relating to
18 local sales tax under section 4(a);

19 “(II) requirements relating to the
20 issuance and use of supplemental nu-
21 trition assistance program benefits
22 under section 7; and

23 “(III) requirements for approval
24 of retail food stores under section 9;
25 and

1 “(ii) modify the definitions under this
2 Act for the purposes of the demonstration
3 program, including the definition of—

4 “(I) the term ‘food’ under section
5 3(k);

6 “(II) the term ‘household’ under
7 section 3(m); and

8 “(III) the term ‘retail food store’
9 under section 3(o).

10 “(B) LIMITATION.—The Secretary may
11 not waive a provision or modify a definition
12 under subparagraph (A) if the waiver or modi-
13 fication will—

14 “(i) cause increased difficulty for any
15 household to apply for or access supple-
16 mental nutrition assistance program bene-
17 fits; or

18 “(ii) reduce the value of those benefits
19 for any household.

20 “(12) AUTHORIZATION OF APPROPRIATIONS.—
21 There are authorized to be appropriated to the Sec-
22 retary such sums as are necessary to carry out this
23 subsection.

24 “(13) APPROPRIATIONS IN ADVANCE.—Only
25 funds appropriated under paragraph (12) in advance

1 specifically to carry out this subsection shall be
2 available to carry out this subsection.”.

3 **SEC. 5. EFFECTIVE DATE.**

4 This Act and the amendments made by this Act shall
5 take effect on the date that is 180 days after the date
6 of enactment of this Act.

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