

118TH CONGRESS
1ST SESSION

S. 1336

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

APRIL 27, 2023

Mrs. GILLIBRAND (for herself, Mr. MARKEY, Mr. WELCH, Ms. WARREN, Mr. BOOKER, Mr. BROWN, Mr. SANDERS, and Mr. FETTERMAN) 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 2023”.

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, 2029,
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; and

16 “(C) on October 1, 2023, and each Octo-
17 ber 1 thereafter, adjust the cost of the diet to
18 reflect the cost of the diet in the immediately
19 preceding June, and round the result to the
20 nearest lower-dollar increment for each house-
21 hold size.”.

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

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

13 (B) by striking “2013” and inserting
14 “2023”;

15 (2) by redesignating subclause (II) as subclause
16 (III); and

17 (3) by striking subclause (I) and inserting the
18 following:

19 “(I) for fiscal year 2023, at an
20 amount not greater than \$50;

21 “(II) for fiscal year 2024, the
22 amount specified in subclause (I) ad-
23 justed by the difference between the
24 thrifty food plan (as defined in section
25 3 (as in effect on the day before the

1 date of enactment of the Closing the
2 Meal Gap Act of 2023)) and the low-
3 cost food plan; and”.

4 (d) CONFORMING AMENDMENTS.—

5 (1) Section 10 of the Food and Nutrition Act
6 of 2008 (7 U.S.C. 2019) is amended, in the first
7 sentence, by striking “3(o)(4)” and inserting
8 “3(p)(4)”.

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

11 (A) in subsection (a)(2), by striking
12 “3(s)(1)” and inserting “3(t)(1)”;

13 (B) in subsection (d)—

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

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

18 (iii) by striking “Act (25 U.S.C.
19 450)” and inserting “and Education As-
20 sistance Act (25 U.S.C. 3501 et seq.)”;
21 and

22 (C) in subsection (e)(17), by striking
23 “3(s)(1)” and inserting “3(t)(1)”.

24 (3) Section 19(a)(2)(A)(ii) of the Food and Nu-
25 trition Act of 2008 (7 U.S.C. 2028(a)(2)(A)(ii)) is

1 amended by striking “thrifty food plan has been ad-
2 justed under section 3(u)(4)” and inserting “low-
3 cost food plan has been adjusted under section
4 3(n)(3)(D)”.

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

7 (A) in subparagraph (C), by inserting “(as
8 in effect on the day before the date of enact-
9 ment of the Closing the Meal Gap Act of
10 2023)” after “section 3(u)(4)”;

11 (B) in subparagraph (D)(ix), by striking
12 “and” at the end;

13 (C) by redesignating subparagraph (E) as
14 subparagraph (F);

15 (D) by inserting after subparagraph (D)
16 the following:

17 “(E) for fiscal year 2023, the sum ob-
18 tained by adding—

19 “(i) the dollar amount of commodities
20 specified in subparagraph (B) adjusted by
21 the percentage by which the low-cost food
22 plan has been adjusted under section
23 3(u)(4) between June 30, 2021, and June
24 30 of the immediately preceding fiscal
25 year; and

1 “(ii) \$35,000,000; and”; and

2 (E) in subparagraph (F) (as so redesign-
3 nated), by striking “subparagraph (D)(ix) ad-
4 justed by the percentage by which the thrifty
5 food plan has been adjusted under section
6 3(u)(4)” and inserting “subparagraph (F) ad-
7 justed by the percentage by which the low-cost
8 food plan has been adjusted under section
9 3(n)(3)(D)”.

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

13 **SEC. 3. DEDUCTIONS FROM INCOME.**

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

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

19 (2) in subparagraph (A), by striking “an excess
20 medical” and all that follows through the period at
21 the end and inserting “a standard medical deduction
22 or a medical expense deduction of actual costs for
23 the allowable medical expenses incurred by the elder-
24 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 2023, \$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.

25 (b) **CONFORMING AMENDMENTS.—**

1 (1) Section 5(a) of the Food and Nutrition Act
2 of 2008 (7 U.S.C. 2014(a)) is amended, in the sec-
3 ond sentence, by striking “(r)” and inserting “(q)”.

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

6 (A) in subparagraph (B)(ii)(I)(bb)(DD),
7 by striking “or subsection (o)”; and

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

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

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

15 (A) in paragraph (1)—

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

22 (ii) by striking subparagraph (E);

23 (iii) by redesignating subparagraph
24 (F) as subparagraph (E); and

1 (iv) in clause (ii)(III)(ee)(AA) of sub-
2 paragraph (E) (as so redesignated), by
3 striking “, individuals subject to the re-
4 quirements under section 6(o),”; and

5 (B) in paragraph (5)(C)—

6 (i) in clause (ii), by adding “and” at
7 the end;

8 (ii) in clause (iii), by striking “; and”
9 and inserting a period; and

10 (iii) by striking clause (iv).

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

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

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

19 (C) by striking subclause (II).

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

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

1 (B) by redesignating subparagraphs (E)
 2 through (K) as subparagraphs (D) through (J),
 3 respectively.

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

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

8 (B) by redesignating clauses (v) through
 9 (vii) as clauses (iv) through (vi), respectively.

10 **SEC. 5. INCLUSION OF PUERTO RICO IN THE SUPPLE-**
 11 **MENTAL NUTRITIONAL ASSISTANCE PRO-**
 12 **GRAM.**

13 (a) DEFINITIONS.—Section 3 of the Food and Nutri-
 14 tion Act of 2008 (7 U.S.C. 2012) is amended—

15 (1) in subsection (r), by inserting “the Com-
 16 monwealth of Puerto Rico,” after “Guam,”; and

17 (2) in subsection (u)(3), by inserting “the Com-
 18 monwealth of Puerto Rico,” after “Guam,”.

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

21 (1) in subsection (b), in the first sentence, by
 22 inserting “the Commonwealth of Puerto Rico,” after
 23 “Guam,”;

24 (2) in subsection (c)—

1 (A) in paragraph (1), by striking “and
2 Guam,” and inserting “Guam, and the Com-
3 monwealth of Puerto Rico,”; and

4 (B) in the undesignated matter at the end,
5 by striking “States or Guam” and inserting
6 “States, Guam, or the Commonwealth of Puer-
7 to Rico”; and

8 (3) in subsection (e)—

9 (A) in paragraph (1)(A), by inserting “the
10 Commonwealth of Puerto Rico,” after “Ha-
11 waii,” each place it appears; and

12 (B) in paragraph (6)(B), in the matter
13 preceding clause (i), by inserting “the Common-
14 wealth of Puerto Rico,” after “Guam,”.

15 (c) EFFECTIVE DATE.—

16 (1) IN GENERAL.—The amendments made by
17 subsections (a) and (b) shall be effective with re-
18 spect to the Commonwealth of Puerto Rico on the
19 date described in paragraph (2) if the Secretary of
20 Agriculture submits to Congress a certification
21 under subsection (f)(2)(C) of section 19 of the Food
22 and Nutrition Act of 2008 (7 U.S.C. 2028).

23 (2) DATE DESCRIBED.—The date referred to in
24 paragraph (1) is the date established by the Com-
25 monwealth of Puerto Rico in the applicable plan of

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

4 (d) TRANSITION OF PUERTO RICO TO SUPPLE-
5 MENTAL NUTRITION ASSISTANCE PROGRAM.—Section 19
6 of the Food and Nutrition Act of 2008 (7 U.S.C. 2028)
7 is amended by adding at the end the following:

8 “(f) TRANSITION OF PUERTO RICO TO SUPPLE-
9 MENTAL NUTRITION ASSISTANCE PROGRAM.—

10 “(1) REQUEST FOR PARTICIPATION.—The Com-
11 monwealth of Puerto Rico may submit to the Sec-
12 retary a request to participate in the supplemental
13 nutrition assistance program, which shall include a
14 plan of operation described in section 11(d), which
15 shall include the date on which the Commonwealth
16 of Puerto Rico intends to begin participation in the
17 program.

18 “(2) CERTIFICATION BY SECRETARY.—

19 “(A) IN GENERAL.—On submission of a
20 request by the Commonwealth of Puerto Rico
21 under paragraph (1), the Secretary shall certify
22 the Commonwealth of Puerto Rico as qualified
23 to participate in the supplemental nutrition as-
24 sistance program if the Secretary—

1 “(i) approves the plan of operation
2 submitted with the request, in accordance
3 with this subsection; and

4 “(ii) approves the applications de-
5 scribed in paragraph (4) in accordance
6 with that paragraph.

7 “(B) CERTIFICATION DECISION.—The Sec-
8 retary shall certify or not certify the request of
9 the Commonwealth of Puerto Rico under para-
10 graph (1) not later than 90 days after the date
11 on which the Secretary receives the request.

12 “(C) SUBMISSION OF CERTIFICATION TO
13 CONGRESS.—The Secretary shall submit a cer-
14 tification under subparagraph (A) to Congress.

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

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

21 “(B) DISAPPROVAL.—If the Secretary does
22 not approve a plan of operation submitted with
23 a request under paragraph (1), the Secretary
24 shall provide a statement that describes each

1 requirement under this Act that is not satisfied
2 by the plan.

3 “(4) APPROVAL OF RETAIL FOOD STORES.—If
4 the Secretary approves a plan of operation under
5 paragraph (3)(A) for the Commonwealth of Puerto
6 Rico, the Secretary shall accept applications from re-
7 tail food stores located in the Commonwealth of
8 Puerto Rico to be authorized under section 9 to par-
9 ticipate in the supplemental nutrition assistance pro-
10 gram.

11 “(5) FAMILY MARKET PROGRAM.—Notwith-
12 standing subsection (g), the Secretary shall allow the
13 Commonwealth of Puerto Rico to continue to carry
14 out under the supplemental nutrition assistance pro-
15 gram the Family Market Program established pur-
16 suant to this section.

17 “(6) TEMPORARY FUNDING.—If the Common-
18 wealth of Puerto Rico has a request under para-
19 graph (1) pending before the Secretary (including a
20 plan of operation pending under paragraph (3)), the
21 Commonwealth of Puerto Rico shall receive block
22 grants under this section, in amounts determined by
23 the Secretary, until the date on which the Secretary
24 certifies the Commonwealth of Puerto Rico under
25 paragraph (2)(B).

1 “(7) AUTHORIZATION OF APPROPRIATIONS.—

2 There are authorized to be appropriated to the Sec-
3 retary such sums as are necessary to carry out this
4 subsection for fiscal year 2023, to remain available
5 until expended.

6 “(g) TECHNICAL INFRASTRUCTURE IMPLEMENTA-
7 TION.—

8 “(1) IN GENERAL.—The Commonwealth of
9 Puerto Rico may request from the Secretary a 1-
10 time grant to pay for the cost of the technology in-
11 frastructure necessary to implement the supple-
12 mental nutrition assistance program, including the
13 cost of information technology, information tech-
14 nology personnel, and training relating to program
15 implementation.

16 “(2) APPLICATION.—In making a request under
17 paragraph (1), the Commonwealth of Puerto Rico
18 shall submit to the Secretary an application at such
19 time, in such manner, and containing such informa-
20 tion as the Secretary may require, including—

21 “(A) a description of the costs to be paid
22 for by the grant; and

23 “(B) a plan for implementing the tech-
24 nology infrastructure described in paragraph
25 (1)—

1 “(i) within 1 year of receiving the
2 grant; and

3 “(ii) that is reasonably cost efficient,
4 as determined by the Secretary.

5 “(3) DETERMINATION.—

6 “(A) TIME LIMIT.—The Secretary shall
7 approve or deny an application submitted under
8 paragraph (2) not later than 90 days after the
9 date on which the application is submitted.

10 “(B) DENIAL.—If the Secretary denies an
11 application submitted under paragraph (2), the
12 Commonwealth of Puerto Rico may amend the
13 plan described in subparagraph (B) of that
14 paragraph, in coordination with the Secretary,
15 to resubmit to the Secretary for approval.

16 “(4) FUNDING.—

17 “(A) IN GENERAL.—There is appropriated
18 to the Secretary, out of funds in the Treasury
19 not otherwise appropriated, \$112,500,000 to
20 carry out this subsection, to remain available
21 until 3 years after the date of enactment of this
22 subsection.

23 “(B) REVERSION OF FUNDS.—Any funds
24 appropriated to the Secretary under subpara-
25 graph (A) that remain available by the date de-

1 scribed in that subparagraph shall revert to the
2 Treasury.

3 “(h) TERMINATION OF EFFECTIVENESS.—

4 “(1) IN GENERAL.—Subsections (a) through (e)
5 shall cease to be effective with respect to the Com-
6 monwealth of Puerto Rico on the date described in
7 paragraph (2) if the Secretary submits to Congress
8 a certification under subsection (f)(2)(C) for the
9 Commonwealth of Puerto Rico.

10 “(2) DATE DESCRIBED.—The date referred to
11 in paragraph (1) is the date established by the Com-
12 monwealth of Puerto Rico in the applicable plan of
13 operation submitted to the Secretary under sub-
14 section (f)(1).”.

○