

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.

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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

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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 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).”.

○