

110TH CONGRESS  
2D SESSION

# S. 3614

To require semiannual indexing of mandatory Federal food assistance programs.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 26 (legislative day, SEPTEMBER 17), 2008

Mr. CASEY 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 require semiannual indexing of mandatory Federal food assistance programs.

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 “National Hunger Re-  
5       lief Act of 2008”.

6       **SEC. 2. NUTRITION PROGRAMS.**

7       (a) SUPPLEMENTAL NUTRITION ASSISTANCE PRO-  
8       GRAM.—Section 3(u) of the Food and Nutrition Act of  
9       2008 (7 U.S.C. 2012(u)) is amended—

1           (1) by striking “(u) ‘Thrifty food plan’ means”  
 2           and inserting the following:

3           “(u) THRIFTY FOOD PLAN.—

4           “(1) IN GENERAL.—The term ‘thrifty food  
 5           plan’ means”;

6           (2) in the second sentence—

7           (A) by redesignating paragraphs (1)  
 8           through (4) as subparagraphs (A) through (D),  
 9           respectively, and indenting appropriately;

10          (B) by striking “The cost of such diet”  
 11          and inserting the following:

12          “(2) ADJUSTMENTS.—The cost of the diet de-  
 13          scribed in paragraph (1)”;

14          (C) by striking subparagraph (D) (as re-  
 15          designated by subparagraph (A)) and inserting  
 16          the following:

17          “(D)(i) on October 1, 2009, adjust the  
 18          cost of the diet to reflect 102 percent of the  
 19          cost of the diet in the preceding June, and  
 20          round the result to the nearest higher dollar in-  
 21          crement for each household size, except that the  
 22          Secretary may not reduce the cost of the diet  
 23          below that in effect during the immediately pre-  
 24          ceding fiscal year;

“(ii) on October 1, 2010, adjust the cost of the diet to reflect 102.5 percent of the cost of the diet in the preceding June, and round the result to the nearest higher dollar increment for each household size, except that the Secretary may not reduce the cost of the diet below that in effect during the immediately preceding fiscal year; and

“(iii) on October 1, 2011, and each October 1 thereafter, adjust the cost of the diet to reflect 103 percent of the cost of the diet in the preceding June, and round the result to the nearest higher dollar increment for each household size, except that the Secretary may not reduce the cost of the diet below that in effect during the immediately preceding fiscal year.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 19(a)(2)(A)(ii) of the Food and Nutrition Act of 2008 (7 U.S.C. 2028(a)(2)(A)(ii)) is amended by striking “3(u)(4)” and inserting “3(u)(2)”.

(2) Section 27(a)(2)(C) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)(2)(C)) is amended by striking “3(u)(4)” and inserting “3(u)(2)”.

1 **SEC. 3. SCHOOL MEALS.**

2 (a) COMMODITIES.—Section 6(c)(1) of the Richard  
3 B. Russell National School Lunch Act (42 U.S.C.  
4 1755(c)(1)) is amended—

5 (1) in subparagraph (A), by striking “on July  
6 1, 1982, and each July 1 thereafter” and inserting  
7 “in accordance with subparagraph (B)”;

8 (2) by striking subparagraph (B) and inserting  
9 the following:

10 “(B) ADJUSTMENT.—The Secretary shall—

11 “(i) on each January 1, increase the value of  
12 food assistance for each meal by the annual percent-  
13 age change in a 3-month average value of the Price  
14 Index for Foods Used in Schools and Institutions for  
15 September, October, and November each year;

16 “(ii) on each July 1, increase the value of food  
17 assistance for each meal by the annual percentage  
18 change in a 3-month average value of the Price  
19 Index for Foods Used in Schools and Institutions for  
20 March, April, and May each year; and

21 “(iii) round the result of each increase to the  
22 nearest higher  $\frac{1}{4}$  cent.”.

23 (b) OVERALL ADJUSTMENT.—Section 11(a) of the  
24 Richard B. Russell National School Lunch Act (42 U.S.C.  
25 1759a(a)) is amended—

1 (1) in paragraph (2), by striking “98.75 cents”  
 2 and inserting “the amount computed under para-  
 3 graph (3)”; and

4 (2) in paragraph (3)—

5 (A) in subparagraph (A)—

6 (i) in the matter before clause (i), by  
 7 striking “July 1, 1982, and on each subse-  
 8 quent July 1, an annual adjustment” and  
 9 inserting “each January 1 and July 1, a  
 10 semiannual increase”; and

11 (ii) in clause (ii), by striking “(as es-  
 12 tablished under paragraph (2) of this sub-  
 13 section)”; and

14 (B) in subparagraph (B)—

15 (i) in clause (i), by striking “annual  
 16 adjustment” and inserting “semiannual in-  
 17 crease”;

18 (ii) in clause (ii)—

19 (I) by striking “annual adjust-  
 20 ment” and inserting “semiannual in-  
 21 crease”; and

22 (II) by striking “12-month pe-  
 23 riod” and inserting “6-month period”;  
 24 and

1 (iii) by striking clause (iii) and insert-  
 2 ing the following:

3 “(iii) ROUNDING.—On each January  
 4 1 and July 1, the national average pay-  
 5 ment rates for meals and supplements  
 6 shall be—

7 “(I) increased to the nearest  
 8 higher cent; and

9 “(II) based on the unrounded  
 10 amount previously in effect.”.

11 (c) PAYMENTS TO SERVICE INSTITUTIONS.—Section  
 12 13(b)(1) of the Richard B. Russell National School Lunch  
 13 Act (42 U.S.C. 1761(b)(1)) is amended by striking sub-  
 14 paragraph (B) and inserting the following:

15 “(B) ADJUSTMENTS.—The Secretary  
 16 shall—

17 “(i) on each January 1, increase each  
 18 amount specified in subparagraph (A) as  
 19 adjusted through the preceding July 1 to  
 20 reflect changes for the 6-month period end-  
 21 ing the preceding November 30 in the se-  
 22 ries for food away from home of the Con-  
 23 sumer Price Index for All Urban Con-  
 24 sumers published by the Bureau of Labor  
 25 Statistics of the Department of Labor;

“(ii) on each July 1, increase each amount specified in subparagraph (A) as adjusted through the preceding January 1 to reflect changes for the 6-month period ending the preceding May 31 in the series for food away from home of the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor;

“(iii) base each increase on the unrounded amount previously in effect; and

“(iv) round each increase described in clauses (i) and (ii) to the nearest higher cent increment.”.

(d) REIMBURSEMENT OF FAMILY OR GROUP DAY CARE HOME SPONSORING ORGANIZATIONS.—

(1) TIER I.—Section 17(f)(3)(A)(ii)(IV) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(f)(3)(A)(ii)(IV)) is amended by striking subclause (IV) and inserting the following:

“(IV) ADJUSTMENTS.—On each July 1 and January 1, the Secretary shall—

1                   “(aa) increase each reim-  
 2                   bursement factor under this sub-  
 3                   paragraph to reflect the changes  
 4                   in the Consumer Price Index for  
 5                   food at home for the most recent  
 6                   6-month period for which the  
 7                   data are available;

8                   “(bb) base each increase on  
 9                   the unrounded amount previously  
 10                  in effect; and

11                  “(cc) round each increase  
 12                  described in item (aa) to the  
 13                  nearest higher cent increment.”.

14                  (2) TIER II.—Section 17(f)(3)(A)(iii)(I) of the  
 15                  Richard B. Russell National School Lunch Act (42  
 16                  U.S.C. 1766(f)(3)(A)(iii)(I)) is amended by striking  
 17                  item (bb) and inserting the following:

18                         “(bb) ADJUSTMENTS.—On  
 19                         each July 1 and January 1, the  
 20                         Secretary shall increase the reim-  
 21                         bursement factors to reflect the  
 22                         changes in the Consumer Price  
 23                         Index for food at home for the  
 24                         most recent 6-month period for  
 25                         which the data are available, base



1 the increases on the unrounded  
 2 amount previously in effect, and  
 3 round the increases to the near-  
 4 est higher cent increment.”.

5 (e) SPECIAL MILK PROGRAM.—Section 3(a) of the  
 6 Child Nutrition Act of 1966 (42 U.S.C. 1772(a)) is  
 7 amended—

8 (1) by striking paragraph (7) and inserting the  
 9 following:

10 “(7) MINIMUM RATE OF REIMBURSEMENT.—  
 11 For each school year, the minimum rate of reim-  
 12 bursement for a ½ pint of milk served in schools  
 13 and other eligible institutions shall be not less than  
 14 minimum rate of reimbursement in effect on Sep-  
 15 tember 30, 2008, as increased on a semiannual basis  
 16 each school year to reflect changes in the Producer  
 17 Price Index for Fresh Processed Milk published by  
 18 the Bureau of Labor Statistics of the Department of  
 19 Labor.”; and

20 (2) in paragraph (8), by inserting “higher”  
 21 after “nearest”.

22 **SEC. 4. EFFECTIVE DATE.**

23 The amendments made by this Act take effect on Oc-  
 24 tober 1, 2008.

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