

115TH CONGRESS
2D SESSION

S. 3092

To amend the Food and Nutrition Act of 2008 to provide certain requirements relating to commitments by State agencies to provide the State share of the administrative costs of administering the supplemental nutrition assistance program.

IN THE SENATE OF THE UNITED STATES

JUNE 20, 2018

Mr. KENNEDY 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 provide certain requirements relating to commitments by State agencies to provide the State share of the administrative costs of administering the supplemental nutrition assistance program.

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 “Emergency SNAP
5 Lapse Act”.

1 **SEC. 2. FAILURE TO PROVIDE STATE SHARE OF ADMINIS-**
 2 **TRATIVE COSTS.**

3 Section 16 of the Food and Nutrition Act of 2008
 4 (7 U.S.C. 2025) is amended by adding at the end the fol-
 5 lowing:

6 “(1) FAILURE TO PROVIDE STATE SHARE OF ADMIN-
 7 ISTRATIVE COSTS.—

8 “(1) DEFINITION OF ELIGIBLE ENTITY.—In
 9 this subsection, the term ‘eligible entity’ means a
 10 private nonprofit entity, such as a community-based
 11 organization, religious organization, food bank, food
 12 pantry, or other emergency feeding organization.

13 “(2) STATEMENT BY STATE AGENCY.—To be
 14 eligible to participate in the supplemental nutrition
 15 assistance program under this Act for a fiscal year,
 16 a State agency shall, not later than the deadline es-
 17 tablished by the Secretary for the applicable fiscal
 18 year, submit to the Secretary a statement certifying
 19 the amount of funds committed by the State agency
 20 to pay the State share of administrative costs under
 21 this section for the fiscal year.

22 “(3) DETERMINATION BY SECRETARY.—If,
 23 based on a review of the statement submitted under
 24 paragraph (2), the Secretary determines that a
 25 State agency has not committed sufficient funds to

1 provide the State share of administrative costs under
2 this section for the fiscal year, the Secretary shall—

3 “(A) not later than 30 days after the date
4 of the determination by the Secretary, notify
5 the State agency that—

6 “(i) the State agency has failed to
7 provide sufficient funds to comply with the
8 cost-sharing requirements of this section;

9 “(ii) the State agency has a specified
10 period of time to correct the failure; and

11 “(iii) if the State agency fails to pro-
12 vide sufficient funds to comply with the
13 cost-sharing requirements of this section
14 within the specified time period—

15 “(I) the State agency shall not be
16 allowed to participate in the supple-
17 mental nutrition assistance program
18 until such time as the failure is cor-
19 rected; and

20 “(II) any amounts that would
21 have otherwise been paid to the State
22 agency to carry out the supplemental
23 nutrition assistance program under
24 this Act will be withheld in accordance
25 with this paragraph;

“(B) during any period in which the State is determined by the Secretary to have failed to provide sufficient funds to comply with the cost-sharing requirements of this section and the failure is not corrected by the State, as determined by the Secretary, withhold any amounts otherwise due to the State agency under this Act for the fiscal year; and

“(C) use any amounts withheld under subparagraph (B) to make grants to eligible entities in the applicable State in accordance with paragraph (4).

“(4) GRANTS.—

“(A) IN GENERAL.—The Secretary shall establish a program under which the Secretary shall use any amounts withheld under paragraph (3)(B) to provide grants to eligible entities in the State from which amounts are withheld for—

“(i) the costs of providing food to individuals in need; and

“(ii) the costs of administering the grants, including hiring additional personnel at the eligible entity to carry out activities described in clause (i).

1 “(B) APPLICATION.—An eligible entity
2 that seeks to receive a grant under subpara-
3 graph (A) shall submit to the Secretary an ap-
4 plication for the grant at such time, in such
5 form, and containing such information as the
6 Secretary may require.”.

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