

118TH CONGRESS  
1ST SESSION

# H. R. 3037

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 HOUSE OF REPRESENTATIVES

MAY 2, 2023

Ms. ADAMS (for herself, Mrs. HAYES, Ms. LEE of California, Ms. VELÁZQUEZ, Ms. LEE of Pennsylvania, Ms. SCANLON, Mr. KHANNA, Mr. EVANS, Mr. AUCHINCLOSS, Ms. OMAR, Ms. WILLIAMS of Georgia, Ms. WILSON of Florida, Ms. SÁNCHEZ, Mr. CONNOLLY, Ms. JACOBS, Mr. GARCÍA of Illinois, Mr. TAKANO, Ms. SCHAKOWSKY, Mr. MORELLE, Ms. TOKUDA, Ms. SEWELL, Mr. KILMER, Mr. TONKO, Mr. SWALWELL, Mr. CARBAJAL, Mr. MCGOVERN, Mr. SMITH of Washington, Mr. PANETTA, Ms. DELBENE, Mr. DESAULNIER, Ms. TITUS, Ms. BONAMICI, Mr. MOSKOWITZ, Ms. MOORE of Wisconsin, Mr. BLUMENAUER, Mrs. MCBATH, Ms. NORTON, Ms. STRICKLAND, Mr. PAYNE, Mr. POCAN, Mr. RASKIN, Mr. MOULTON, Ms. BARRAGÁN, Mr. KIM of New Jersey, Mr. MFUME, Mr. RUPPERSBERGER, Ms. CHU, Mr. SARBANES, Ms. CROCKETT, Mr. MULLIN, Mr. CÁRDENAS, Mr. BOYLE of Pennsylvania, Mr. NEGUSE, Ms. WATERS, Ms. STEVENS, Mr. CARSON, Mr. GOMEZ, Mrs. WATSON COLEMAN, Ms. SALINAS, Mr. CARTER of Louisiana, Mr. KEATING, Mr. BOWMAN, Ms. PINGREE, Ms. MENG, and Mr. ESPAILLAT) introduced the following bill; which was referred to the Committee on Agriculture

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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 2023”.

6 **SEC. 2. CALCULATION OF PROGRAM BENEFITS USING LOW-**  
7 **COST FOOD PLAN.**

8       (a) DEFINITION OF LOW-COST FOOD PLAN.—Sec-  
9 tion 3 of the Food and Nutrition Act of 2008 (7 U.S.C.  
10 2012) is amended—

11           (1) by striking subsection (u);

12           (2) by redesignating subsections (n) through (t)  
13 as subsections (o) through (u), respectively; and

14           (3) by inserting after subsection (m) the fol-  
15 lowing:

16       “(n) LOW-COST FOOD PLAN.—

17           “(1) IN GENERAL.—The term ‘low-cost food  
18 plan’ means the diet, determined in accordance with  
19 the calculations of the Secretary, required to feed a  
20 4-person family that consists of—

21           “(A) a man and a woman who are each be-  
22 tween 19 and 50 years of age;

23           “(B) a child who is between 6 and 8 years  
24 of age; and

1           “(C) a child who is between 9 and 11  
2           years of age.

3           “(2) REEVALUATION.—By December 31, 2029,  
4           and at 5-year intervals thereafter, the Secretary  
5           shall reevaluate and publish the market baskets of  
6           the low-cost food plan, based on current food prices,  
7           food composition data, consumption patterns, and  
8           dietary guidance.

9           “(3) COST.—For purposes of paragraph (1),  
10          the cost of the diet described in that paragraph shall  
11          be the basis for uniform allotments for all house-  
12          holds regardless of the actual composition of the  
13          household, except that the Secretary shall—

14                 “(A) make household-size adjustments  
15                 (based on the unrounded cost of that diet) tak-  
16                 ing into account economies of scale;

17                 “(B) make cost adjustments in the low-  
18                 cost food plan for the State of Hawaii and the  
19                 urban and rural parts of the State of Alaska to  
20                 reflect the cost of food in Hawaii and urban  
21                 and rural Alaska, respectively; and

22                 “(C) on October 1, 2023, and each Octo-  
23                 ber 1 thereafter, adjust the cost of the diet to  
24                 reflect the cost of the diet in the immediately  
25                 preceding June, and round the result to the



1                   “(II) for fiscal year 2024, the  
2                   amount specified in subclause (I) ad-  
3                   justed by the difference between the  
4                   thrifty food plan (as defined in section  
5                   3 (as in effect on the day before the  
6                   date of enactment of the Closing the  
7                   Meal Gap Act of 2023)) and the low-  
8                   cost food plan; and”.

9                   (d) CONFORMING AMENDMENTS.—

10                   (1) Section 10 of the Food and Nutrition Act  
11                   of 2008 (7 U.S.C. 2019) is amended, in the first  
12                   sentence, by striking “3(o)(4)” and inserting  
13                   “3(p)(4)”.

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

16                   (A) in subsection (a)(2), by striking  
17                   “3(s)(1)” and inserting “3(t)(1)”;

18                   (B) in subsection (d)—

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

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

23                   (iii) by striking “Act (25 U.S.C.  
24                   450)” and inserting “and Education As-

1                   sistance Act (25 U.S.C. 3501 et seq.)”;

2                   and

3                   (C) in subsection (e)(17), by striking

4                   “3(s)(1)” and inserting “3(t)(1)”.

5                   (3) Section 19(a)(2)(A)(ii) of the Food and Nu-

6                   trition Act of 2008 (7 U.S.C. 2028(a)(2)(A)(ii)) is

7                   amended by striking “thrifty food plan has been ad-

8                   justed under section 3(u)(4)” and inserting “low-

9                   cost food plan has been adjusted under section

10                   3(n)(3)(D)”.

11                   (4) Section 27(a)(2) of the Food and Nutrition

12                   Act of 2008 (7 U.S.C. 2036(a)(2)) is amended—

13                   (A) in subparagraph (C), by inserting “(as

14                   in effect on the day before the date of enact-

15                   ment of the Closing the Meal Gap Act of

16                   2023)” after “section 3(u)(4)”;

17                   (B) in subparagraph (D)(ix), by striking

18                   “and” at the end;

19                   (C) by redesignating subparagraph (E) as

20                   subparagraph (F);

21                   (D) by inserting after subparagraph (D)

22                   the following:

23                   “(E) for fiscal year 2023, the sum ob-

24                   tained by adding—

1 “(i) the dollar amount of commodities  
2 specified in subparagraph (B) adjusted by  
3 the percentage by which the low-cost food  
4 plan has been adjusted under section  
5 3(u)(4) between June 30, 2021, and June  
6 30 of the immediately preceding fiscal  
7 year; and

8 “(ii) \$35,000,000; and”; and

9 (E) in subparagraph (F) (as so redesign-  
10 nated), by striking “subparagraph (D)(ix) ad-  
11 justed by the percentage by which the thrifty  
12 food plan has been adjusted under section  
13 3(u)(4)” and inserting “subparagraph (F) ad-  
14 justed by the percentage by which the low-cost  
15 food plan has been adjusted under section  
16 3(n)(3)(D)”.

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

20 **SEC. 3. DEDUCTIONS FROM INCOME.**

21 (a) STANDARD MEDICAL EXPENSE DEDUCTION.—  
22 Section 5(e)(5) of the Food and Nutrition Act of 2008  
23 (7 U.S.C. 2014(e)(5)) is amended—

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

1           (2) in subparagraph (A), by striking “an excess  
2           medical” and all that follows through the period at  
3           the end and inserting “a standard medical deduction  
4           or a medical expense deduction of actual costs for  
5           the allowable medical expenses incurred by the elder-  
6           ly or disabled member, exclusive of special diets.”;

7           (3) in subparagraph (B)(i), by striking “ex-  
8           cess”; and

9           (4) by adding at the end the following:

10                   “(D) STANDARD MEDICAL EXPENSE DE-  
11                   DUCTION AMOUNT.—

12                           “(i) IN GENERAL.—Except as pro-  
13                           vided in clause (ii), the standard medical  
14                           expense deduction shall be—

15                                   “(I) for fiscal year 2023, \$140;

16                                   and

17                                   “(II) for each subsequent fiscal  
18                                   year, equal to the applicable amount  
19                                   for the immediately preceding fiscal  
20                                   year as adjusted to reflect changes for  
21                                   the 12-month period ending the pre-  
22                                   ceding June 30 in the Consumer Price  
23                                   Index for All Urban Consumers: Med-  
24                                   ical Care published by the Bureau of



1 Labor Statistics of the Department of  
2 Labor.

3 “(ii) EXCEPTION.—For any fiscal  
4 year, a State agency may establish a great-  
5 er standard medical expense deduction  
6 than described in clause (i) if the greater  
7 deduction satisfies cost neutrality stand-  
8 ards established by the Secretary for that  
9 fiscal year.”.

10 (b) ELIMINATION OF CAP OF EXCESS SHELTER EX-  
11 PENSES.—

12 (1) IN GENERAL.—Section 5(e)(6) of the Food  
13 and Nutrition Act of 2008 (7 U.S.C. 2014(e)(6)) is  
14 amended—

15 (A) by striking subparagraph (B); and

16 (B) by redesignating subparagraphs (C)  
17 and (D) as subparagraphs (B) and (C), respec-  
18 tively.

19 (2) CONFORMING AMENDMENT.—Section  
20 2605(f)(2)(A) of the Low-Income Home Energy As-  
21 sistance Act of 1981 (42 U.S.C. 8624(f)(2)(A)) is  
22 amended by striking “5(e)(6)(C)(iv)(I) of that Act  
23 (7 U.S.C. 2014(e)(6)(C)(iv)(I))” and inserting  
24 “5(e)(6)(B)(iv)(I) of that Act (7 U.S.C.  
25 2014(e)(6)(B)(iv)(I))”.

1 **SEC. 4. ELIMINATION OF TIME LIMIT.**

2 (a) IN GENERAL.—Section 6 of the Food and Nutri-  
3 tion Act of 2008 (7 U.S.C. 2015) is amended—

4 (1) by striking subsection (o); and

5 (2) by redesignating subsections (p) through (s)  
6 as subsections (o) through (r), respectively.

7 (b) CONFORMING AMENDMENTS.—

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

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

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

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

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

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

22 (A) in paragraph (1)—

23 (i) in subparagraph (B), in the matter  
24 preceding clause (i), by striking “that—”  
25 and all that follows through the period at  
26 the end of clause (ii) and inserting “that

1 is determined and adjusted by the Sec-  
2 retary.”;

3 (ii) by striking subparagraph (E);

4 (iii) by redesignating subparagraph  
5 (F) as subparagraph (E); and

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

10 (B) in paragraph (5)(C)—

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

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

15 (iii) by striking clause (iv).

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

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

20 (B) in the matter preceding subclause (I),  
21 by striking “family—” and all that follows  
22 through “receiving” in subclause (I) and insert-  
23 ing “family receiving”; and

24 (C) by striking subclause (II).

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

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

5                   (B) by redesignating subparagraphs (E)  
6           through (K) as subparagraphs (D) through (J),  
7           respectively.

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

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

12                   (B) by redesignating clauses (v) through  
13          (vii) as clauses (iv) through (vi), respectively.

14 **SEC. 5. INCLUSION OF PUERTO RICO IN THE SUPPLE-**  
15 **MENTAL NUTRITIONAL ASSISTANCE PRO-**  
16 **GRAM.**

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

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

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

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

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

4 (2) in subsection (c)—

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

8 (B) in the undesignated matter at the end,  
9 by striking “States or Guam” and inserting  
10 “States, Guam, or the Commonwealth of Puer-  
11 to Rico”; and

12 (3) in subsection (e)—

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

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

19 (c) EFFECTIVE DATE.—

20 (1) IN GENERAL.—The amendments made by  
21 subsections (a) and (b) shall be effective with re-  
22 spect to the Commonwealth of Puerto Rico on the  
23 date described in paragraph (2) if the Secretary of  
24 Agriculture submits to Congress a certification

1 under subsection (f)(2)(C) of section 19 of the Food  
2 and Nutrition Act of 2008 (7 U.S.C. 2028).

3 (2) DATE DESCRIBED.—The date referred to in  
4 paragraph (1) is the date established by the Com-  
5 monwealth of Puerto Rico in the applicable plan of  
6 operation submitted to the Secretary of Agriculture  
7 under subsection (f)(1) of section 19 of the Food  
8 and Nutrition Act of 2008 (7 U.S.C. 2028).

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

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

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

23 “(2) CERTIFICATION BY SECRETARY.—

24 “(A) IN GENERAL.—On submission of a  
25 request by the Commonwealth of Puerto Rico

1 under paragraph (1), the Secretary shall certify  
2 the Commonwealth of Puerto Rico as qualified  
3 to participate in the supplemental nutrition as-  
4 sistance program if the Secretary—

5 “(i) approves the plan of operation  
6 submitted with the request, in accordance  
7 with this subsection; and

8 “(ii) approves the applications de-  
9 scribed in paragraph (4) in accordance  
10 with that paragraph.

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

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

19 “(3) DETERMINATION OF PLAN OF OPER-  
20 ATION.—

21 “(A) APPROVAL.—The Secretary shall ap-  
22 prove a plan of operation submitted with a re-  
23 quest under paragraph (1) if the plan satisfies  
24 the requirements under this Act.

1           “(B) DISAPPROVAL.—If the Secretary does  
2           not approve a plan of operation submitted with  
3           a request under paragraph (1), the Secretary  
4           shall provide a statement that describes each  
5           requirement under this Act that is not satisfied  
6           by the plan.

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

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

21          “(6) TEMPORARY FUNDING.—If the Common-  
22          wealth of Puerto Rico has a request under para-  
23          graph (1) pending before the Secretary (including a  
24          plan of operation pending under paragraph (3)), the  
25          Commonwealth of Puerto Rico shall receive block



1 grants under this section, in amounts determined by  
2 the Secretary, until the date on which the Secretary  
3 certifies the Commonwealth of Puerto Rico under  
4 paragraph (2)(B).

5 “(7) AUTHORIZATION OF APPROPRIATIONS.—

6 There are authorized to be appropriated to the Sec-  
7 retary such sums as are necessary to carry out this  
8 subsection for fiscal year 2023, to remain available  
9 until expended.

10 “(g) TECHNICAL INFRASTRUCTURE IMPLEMENTA-  
11 TION.—

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

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

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

3           “(B) a plan for implementing the tech-  
4 nology infrastructure described in paragraph  
5 (1)—

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

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

10           “(3) DETERMINATION.—

11                   “(A) TIME LIMIT.—The Secretary shall  
12 approve or deny an application submitted under  
13 paragraph (2) not later than 90 days after the  
14 date on which the application is submitted.

15                   “(B) DENIAL.—If the Secretary denies an  
16 application submitted under paragraph (2), the  
17 Commonwealth of Puerto Rico may amend the  
18 plan described in subparagraph (B) of that  
19 paragraph, in coordination with the Secretary,  
20 to resubmit to the Secretary for approval.

21           “(4) FUNDING.—

22                   “(A) IN GENERAL.—There is appropriated  
23 to the Secretary, out of funds in the Treasury  
24 not otherwise appropriated, \$112,500,000 to  
25 carry out this subsection, to remain available

1           until 3 years after the date of enactment of this  
2           subsection.

3           “(B) REVERSION OF FUNDS.—Any funds  
4           appropriated to the Secretary under subpara-  
5           graph (A) that remain available by the date de-  
6           scribed in that subparagraph shall revert to the  
7           Treasury.

8           “(h) TERMINATION OF EFFECTIVENESS.—

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

15          “(2) DATE DESCRIBED.—The date referred to  
16          in paragraph (1) is the date established by the Com-  
17          monwealth of Puerto Rico in the applicable plan of  
18          operation submitted to the Secretary under sub-  
19          section (f)(1).”.

○