

116TH CONGRESS
2D SESSION

S. _____

To strengthen Federal nutrition assistance programs as automatic stabilizers,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. BENNET introduced the following bill; which was read twice and referred
to the Committee on _____

A BILL

To strengthen Federal nutrition assistance programs as
automatic stabilizers, 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 “Food for Families in
5 Crisis Act of 2020”.

6 **SEC. 2. STRENGTHENING FEDERAL NUTRITION ASSIST-**
7 **ANCE PROGRAMS AS AUTOMATIC STABI-**
8 **LIZERS.**

9 (a) **DEFINITIONS.**—In this section:

1 (1) ELEVATED UNEMPLOYMENT PERIOD.—The
2 term “elevated unemployment period” means, as de-
3 termined by the Commissioner of the Bureau of
4 Labor Statistics in accordance with subsection (b), a
5 period—

6 (A) beginning on the first day of the last
7 month during the most recent 3-month period
8 for which data for all States are published be-
9 fore the close of a given week, the average rate
10 of total unemployment for all States (seasonally
11 adjusted, as applicable) is not less than 0.5 per-
12 centage points higher than the lowest average
13 rate of total unemployment for all States (as
14 seasonally adjusted) for any 3-month period
15 during the preceding 12 months; and

16 (B) ending on the date on which the aver-
17 age rate of total unemployment for all States
18 (seasonally adjusted, as applicable) for the most
19 recent 3-month period for which data for all
20 States are published before the close of a given
21 week—

22 (i) has decreased for not less than 2
23 consecutive months;

24 (ii) is less than 5.5 percent; and

1 (iii) is less than 1.5 percentage points
2 above the 3-month average rate of total
3 unemployment for all States (as seasonally
4 adjusted) reported for the 3-month period
5 ending on the last day of the month imme-
6 diately preceding the month during which
7 the applicable beginning date described in
8 subparagraph (A) occurs.

9 (2) ELIGIBLE INDIVIDUAL OR HOUSEHOLD.—
10 The term “eligible individual or household” means
11 an individual or household that is eligible to receive
12 Federal nutrition assistance.

13 (3) FEDERAL NUTRITION ASSISTANCE.—The
14 term “Federal nutrition assistance” means nutrition
15 assistance provided under—

16 (A) the supplemental nutrition assistance
17 program under the Food and Nutrition Act of
18 2008 (7 U.S.C. 2011 et seq.);

19 (B) a consolidated block grant for the
20 Commonwealth of Puerto Rico or American
21 Samoa under section 19(a) of that Act (7
22 U.S.C. 2028(a)); or

23 (C) a block grant for the Commonwealth of
24 the Northern Mariana Islands or any other ter-
25 ritory of the United States provided by the Sec-

1 retary pursuant to section 601(c) of Public Law
2 96–597 (48 U.S.C. 1469d(e)).

3 (4) SECRETARY.—The term “Secretary” means
4 the Secretary of Agriculture.

5 (5) STATE; STATE AGENCY; THRIFTY FOOD
6 PLAN.—The terms “State”, “State agency”, and
7 “thrifty food plan” have the meanings given those
8 terms in section 3 of the Food and Nutrition Act of
9 2008 (7 U.S.C. 2012).

10 (b) INCLUSION OF DETERMINATION IN MONTHLY
11 EMPLOYMENT SITUATION REPORTS.—Notwithstanding
12 any other provision of law, the Commissioner of the Bu-
13 reau of Labor Statistics shall include in each monthly em-
14 ployment situation report published by the Commissioner
15 a specific determination of whether an elevated unemploy-
16 ment period is in existence in the United States.

17 (c) WAIVER OF WORK REQUIREMENTS.—Notwith-
18 standing any other provision of law (including regula-
19 tions), during an elevated unemployment period, for pur-
20 poses of the distribution of, receipt of, or eligibility for
21 Federal nutrition assistance—

22 (1) no work requirement under section 6(o) of
23 the Food and Nutrition Act of 2008 (7 U.S.C.
24 2015(o)) shall apply to any eligible individual or
25 household; and

1 (2) no other, similar work requirement with re-
2 spect to any eligible individual or household shall be
3 established or applied by—

4 (A) the Secretary;

5 (B) any State, as a condition of receipt
6 from the Secretary of assistance under the sup-
7 plemental nutrition assistance program; or

8 (C) the Commonwealth of Puerto Rico,
9 American Samoa, or the Commonwealth of the
10 Northern Mariana Islands, as a condition of re-
11 ceipt from the Secretary of a Federal nutrition
12 assistance block grant.

13 (d) PRECLUSION OF CERTAIN RULES.—No funds
14 (including fees) made available under this or any other
15 Act for any fiscal year may be used to finalize, implement,
16 administer, enforce, carry out, or otherwise give effect
17 to—

18 (1) the proposed rule entitled “Revision of Cat-
19 egorical Eligibility in the Supplemental Nutrition
20 Assistance Program (SNAP)” (84 Fed. Reg. 35570
21 (July 24, 2019));

22 (2) the proposed rule entitled “Supplemental
23 Nutrition Assistance Program: Standardization of
24 State Heating and Cooling Standard Utility Allow-
25 ances” (84 Fed. Reg. 52809 (October 3, 2019)); or

1 (3) the final rule entitled “Supplemental Nutri-
2 tion Assistance Program: Requirements for Able-
3 Bodied Adults Without Dependents” (84 Fed. Reg.
4 66782 (December 5, 2019)).

5 (e) INCREASE IN FEDERAL NUTRITION ASSISTANCE
6 PAYMENTS.—

7 (1) INCREASES.—

8 (A) IN GENERAL.—Notwithstanding any
9 other provision of law, subject to paragraph (2),
10 effective beginning on the first day of the first
11 month beginning after the date of publication of
12 a monthly employment situation report in which
13 an elevated unemployment period is determined
14 to exist in accordance with subsection (b)—

15 (i) the value of the benefits deter-
16 mined under section 8(a) of the Food and
17 Nutrition Act of 2008 (7 U.S.C. 2017(a))
18 and the consolidated block grants for the
19 Commonwealth of Puerto Rico and Amer-
20 ican Samoa determined under section
21 19(a) of that Act (7 U.S.C. 2028(a)) shall
22 be calculated using 115 percent of the
23 value of the thrifty food plan in the month
24 immediately preceding the month during

1 which the beginning date of that elevated
2 unemployment period occurs;

3 (ii) the value of the block grant re-
4 ferred to in subsection (a)(3)(C) shall be
5 calculated using 115 percent of the value
6 of that block grant for the preceding fiscal
7 year; and

8 (iii) the minimum value of the bene-
9 fits determined under section 8(a) of the
10 Food and Nutrition Act of 2008 (7 U.S.C.
11 2017(a)) for a household of not more than
12 2 members shall be \$30 (adjusted for in-
13 flation).

14 (B) **FDPIR INCREASE.**—Notwithstanding
15 any other provision of law, subject to subsection
16 (h), of the funds made available under para-
17 graph (3), the Secretary shall use \$7,000,000
18 (adjusted for inflation) for facility improve-
19 ments and equipment upgrades associated with
20 the food distribution program on Indian res-
21 ervations under section 4(b) of the Food and
22 Nutrition Act of 2008 (7 U.S.C. 2013(b)).

23 (2) **LIMITATIONS.**—

24 (A) **IN GENERAL.**—The calculations under
25 clauses (i) and (ii) of paragraph (1)(A) shall

1 apply only if the value of the benefit or block
2 grant described in the clause, as applicable,
3 would be greater under that calculation than in
4 the absence of this subsection.

5 (B) EFFECTIVE PERIOD OF CERTAIN IN-
6 CREASE.—An increase under paragraph
7 (1)(A)(iii) shall remain in effect until the date
8 on which an amount equal to 8 percent of the
9 value of the thrifty food plan for a household
10 containing 1 member, rounded to the nearest
11 whole dollar increment, is equal to not less than
12 \$30 (adjusted for inflation).

13 (3) FUNDING.—

14 (A) IN GENERAL.—On the first day of the
15 first month beginning after the date of publica-
16 tion of a monthly employment situation report
17 in which an elevated unemployment period is
18 determined to exist in accordance with sub-
19 section (b), out of any funds in the Treasury
20 not otherwise appropriated, the Secretary of the
21 Treasury shall transfer to the Secretary such
22 amounts as are necessary to carry out para-
23 graph (1).

24 (B) RECEIPT AND ACCEPTANCE.—The
25 Secretary shall be entitled to receive, shall ac-

1 cept, and shall use to carry out paragraph (1)
2 the funds transferred under subparagraph (A),
3 without further appropriation.

4 (f) CATEGORICAL ELIGIBILITY UNDER SNAP.—Sec-
5 tion 5(a) of the Food and Nutrition Act of 2008 (7 U.S.C.
6 2014(a)) is amended by inserting after the third sentence
7 the following: “Each State agency shall administer the
8 State option of categorical eligibility for the supplemental
9 nutrition assistance program as described in clause (ii) or
10 (iii) of section 273.2(j)(2) of title 7, Code of Federal Regu-
11 lations (as in effect on the date of enactment of the Food
12 for Families in Crisis Act of 2020).”.

13 (g) ADMINISTRATIVE EXPENSES.—

14 (1) IN GENERAL.—For the costs of State ad-
15 ministrative expenses associated with carrying out
16 this section and administering the supplemental nu-
17 trition assistance program established under the
18 Food and Nutrition Act of 2008 (7 U.S.C. 2011 et
19 seq.), the Secretary shall, during an elevated unem-
20 ployment period, make available \$150,000,000 (ad-
21 justed for inflation), in accordance with paragraph
22 (2).

23 (2) ALLOCATION.—The funds made available
24 under paragraph (1) shall be provided in the form
25 of grants to State agencies as follows:

1 (A) 75 percent of the amounts made avail-
2 able shall be allocated to each State agency
3 based on the proportion of households in the
4 applicable State that participate in the supple-
5 mental nutrition assistance program, as—

6 (i) reported to the Secretary for the
7 most recent 12-month period for which
8 data are available; and

9 (ii) if applicable, adjusted by the Sec-
10 retary, as of the date of enactment of this
11 Act, for participation in a disaster program
12 under section 5(h) of the Food and Nutri-
13 tion Act of 2008 (7 U.S.C. 2014(h)).

14 (B) 25 percent of the amounts available
15 shall be allocated to each State agency based on
16 the increase in the number of households in the
17 applicable State that participate in the supple-
18 mental nutrition assistance program, as—

19 (i) reported to the Secretary for the
20 most recent 12-month period for which
21 data are available; and

22 (ii) if applicable, adjusted by the Sec-
23 retary, as of the date of enactment of this
24 Act, for participation in a disaster program

1 under section 5(h) of the Food and Nutri-
2 tion Act of 2008 (7 U.S.C. 2014(h)).

3 (h) FDPIR WAIVER.—Any activity carried out using
4 funds provided by the Coronavirus Aid, Relief, and Eco-
5 nomic Security Act (Public Law 116–136; 134 Stat. 281)
6 for the food distribution program on Indian reservations
7 under section 4(b) of the Food and Nutrition Act of 2008
8 (7 U.S.C. 2013(b)) shall not be subject to the non-Federal
9 share requirement described in paragraph (4)(A) of that
10 section.

11 (i) REQUIREMENTS FOR SECRETARY.—In carrying
12 out this section, the Secretary shall—

13 (1) consider the benefit increases under sub-
14 section (e)(1) to be a “mass change”;

15 (2) require a simple process by which States,
16 the Commonwealth of Puerto Rico, American
17 Samoa, and the Commonwealth of the Northern
18 Mariana Islands shall notify eligible individuals and
19 households of the increase in benefits under that
20 subsection;

21 (3) consider section 16(c)(3)(A) of the Food
22 and Nutrition Act of 2008 (7 U.S.C. 2025(c)(3)(A))
23 to apply to any errors in the implementation of this
24 section, without regard to the 120-day limit de-
25 scribed in that section;

1 (4) disregard the additional amount of benefits
2 that an eligible individual or household receives as a
3 result of this section in determining the amount of
4 overissuances under section 13 of the Food and Nu-
5 trition Act of 2008 (7 U.S.C. 2022); and

6 (5) establish the tolerance level for excluding
7 small errors for purposes of section 16(c) of the
8 Food and Nutrition Act of 2008 (7 U.S.C. 2025(e))
9 at \$50.