S. 2577

To amend the Food, Conservation, and Energy Act of 2008 to improve the Gus Schumacher nutrition incentive program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 27, 2023

Ms. HIRANO (for herself, Mr. FETTERMAN, Mr. BROWN, Mr. WYDEN, Mrs. GILLIBRAND, Mr. WELCH, and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Food, Conservation, and Energy Act of 2008 to improve the Gus Schumacher nutrition incentive program, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Gus Schumacher Nutrition Incentive Program Improvement Act of 2023” or the “GusNIP Improvement Act of 2023”.

1

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2

SECTION 1. SHORT TITLE.

3

This Act may be cited as the “Gus Schumacher Nutrition Incentive Program Improvement Act of 2023” or the “GusNIP Improvement Act of 2023”.

4

This Act may be cited as the “Gus Schumacher Nutrition Incentive Program Improvement Act of 2023” or the “GusNIP Improvement Act of 2023”.

5

This Act may be cited as the “Gus Schumacher Nutrition Incentive Program Improvement Act of 2023” or the “GusNIP Improvement Act of 2023”.

6
SEC. 2. GUS SCHUMACHER NUTRITION INCENTIVE PROGRAM.

(a) In General.—Section 4405 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 7517) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (A), by striking “subsection (c)” and inserting “subsection (g)(1)”;

(B) in subparagraph (C)—

(i) by striking “Except as provided in subparagraph (D)(iii)” and inserting the following:

“(i) In general.—Except as provided in clause (ii) and subparagraph (D)(iii)”;

(ii) in clause (i) (as so designated), by striking “50” and inserting “90”; and

(iii) by adding at the end the following:

“(ii) Small projects.—The Federal share of the cost of carrying out an activity under this subsection the total cost of which is less than $100,000 may be 100 percent.”; and
(C) in subparagraph (D)(i)(I), by striking “or services” and inserting “services, or retailer associate wages”;
(2) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively;
(3) by inserting after subsection (b) the following:
“(c) SCALING GRANTS.—
“(1) DEFINITION OF COVERED ELIGIBLE ENTITY.—In this subsection, the term ‘covered eligible entity’ means an eligible entity that—
“(A) has previously received a large-scale grant under subsection (b); and
“(B) has—
“(i) a demonstrated record for launching and maintaining projects described in subsection (b) that have gone through an evaluation within a State, region, or Tribal Nation; and
“(ii) the project design, infrastructure, and administrative support necessary for project implementation in a State, region, or Tribal Nation, as applicable.
“(2) ESTABLISHMENT.—The Secretary shall award grants to covered eligible entities to scale ex-
isting participation and access levels in the project carried out by the covered eligible entity using a grant received under subsection (b).

“(3) **STREAMLINED APPLICATION.**—The Secretary may streamline the application process for covered eligible entities applying for a grant under this subsection.

“(4) **PRIORITY.**—In awarding grants under this subsection, the Secretary shall give priority to projects that may be carried out in a variety of retail settings, including at independent retailers, farmers markets, and food hubs.

“(5) **PROJECT REQUIREMENTS.**—A project carried out using a grant received under this subsection shall meet the following requirements:

“(A) The project shall adhere to the criteria for projects described in subsection (b)(2).

“(B) The project shall have a term of 4 years.

“(C) The covered eligible entity carrying out the project shall—

“(i) use not less than $3,000,000 per year; and
“(ii) by the end of the 4-year term of
the project, use not less than 75 percent of
project funds on redeemed incentives.”;
(4) in subsection (d) (as so redesignated)—
(A) in paragraph (1)—
(i) by redesignating subparagraphs
(A) through (C) as clauses (i) through
(iii), respectively, and indenting appro-
priately;
(ii) in the matter preceding clause (i)
(as so redesignated), by striking “entities
to conduct projects that demonstrate” and
inserting the following: “entities—
“(A) to conduct projects described in para-
graph (3) that demonstrate”;
(iii) in subparagraph (A)(iii) (as so
redesignated), by striking the period at the
end and inserting “; and”; and
(iv) by adding at the end the fol-
lowing:
“(B) to conduct projects that scale up
projects carried out using a grant under sub-
paragraph (A), or to conduct other large-scale
projects, by expanding advanced rigor clinical
research through program delivery through clinical practice.”;

(B) by redesignating paragraphs (4) and (5) as paragraphs (6) and (7), respectively;

(C) in paragraph (3), by striking the paragraph designation and heading and all that follows through “An application shall—” in subparagraph (B) in the matter preceding clause (i), and inserting the following:

“(3) PROJECTS.—

“(A) IN GENERAL.—A project carried out using a grant awarded under paragraph (1)(A) shall—

“(i) prescribe fresh fruits and vegetables to members; and

“(ii) may—

“(I) provide financial or non-financial incentives for members to purchase or procure fresh fruits and vegetables;

“(II) provide educational resources on nutrition to members; and

“(III) establish additional accessible locations for members to procure fresh fruits and vegetables.
“(B) OTHER ACTIVITIES.—A project described in subparagraph (A) shall be required to carry out at least 1 of the following activities:

“(i) Study previously unknown facts about the program design.

“(ii) Establish or validate best practices.

“(iii) Establish infrastructure that aids community health centers and independent produce retail outlets.

“(4) APPLICATIONS.—

“(A) IN GENERAL.—To be eligible to receive a grant under paragraph (1), an eligible entity shall submit to the Secretary an application containing such information as the Secretary may require, including the information described in subparagraph (B).

“(B) APPLICATION.—An application shall—”; and

(D) in paragraph (4) (as so designated), by adding at the end the following:

“(C) PRIORITY.—In awarding grants under paragraph (1), the Secretary shall give priority to projects that offer a variety of retail
settings, including produce prescription redemption at independent grocers.

“(5) GRANT AMOUNTS.—A grant awarded under paragraph (1) shall be in an amount that—

“(A) in the case of a grant awarded under subparagraph (A) of that paragraph, does not exceed $400,000; and

“(B) in the case of a grant awarded under subparagraph (B) of that paragraph, is not less than $1,000,000 and not more than $2,500,000.”;

(5) in subsection (e) (as so redesignated)—

(A) in paragraph (1), by striking “(b) or (c)” and inserting “(b), (c), or (d)”; and

(B) by striking “(b) and (c)” each place it appears and inserting “(b), (c), and (d)”;

(6) in subsection (f) (as so redesignated), in paragraph (2), in the matter preceding subparagraph (A), by striking “(b) and (c)” and inserting “(b), (c), and (d)”; and

(7) in subsection (g) (as so redesignated)—

(A) in paragraph (1), by striking “2023” and inserting “2028”; and

(B) in paragraph (2)—
(i) by redesignating subparagraphs (D) through (G) as subparagraphs (E) through (H), respectively;

(ii) by redesignating the second subparagraph (C) (relating to fiscal year 2019) as subparagraph (D);

(iii) in subparagraph (G) (as so redesignated), by striking “and” at the end after the semicolon; and

(iv) by striking subparagraph (H) (as so redesignated) and inserting the following:

“(H) $56,000,000 for fiscal year 2023; and

“(I) $150,000,000 for each of fiscal years 2024 through 2028.”; and

(C) in paragraph (3)—

(i) in subparagraph (B), by striking “and” after the semicolon at the end;

(ii) in subparagraph (C), by striking clause (ii) and inserting the following:

“(ii) $8,000,000 for each of fiscal years 2024 through 2028; and”; and

(iii) by adding at the end the following:
“(D) for each fiscal year the Secretary shall use not less than $75,000,000 of such funds available for such fiscal year for awarding grants under subsection (e).”.

(b) CONFORMING AMENDMENTS.—Section 4405 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 7517) is amended—

(1) by striking “subsection (c)” each place it appears and inserting “subsection (d)”; 

(2) by striking “(e)(2)(B)(iii)” each place it appears and inserting “(f)(2)(B)(iii)” and

(3) by striking “subsection (e)” each place it appears and inserting “subsection (f)”. 

○