

118TH CONGRESS
1ST SESSION

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. HIRONO (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.

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 “Gus Schumacher Nu-
5 trition Incentive Program Improvement Act of 2023” or
6 the “GusNIP Improvement Act of 2023”.

1 **SEC. 2. GUS SCHUMACHER NUTRITION INCENTIVE PRO-**
2 **GRAM.**

3 (a) IN GENERAL.—Section 4405 of the Food, Con-
4 servation, and Energy Act of 2008 (7 U.S.C. 7517) is
5 amended—

6 (1) in subsection (b)(1)—

7 (A) in subparagraph (A), by striking “sub-
8 section (c)” and inserting “subsection (g)(1)”;

9 (B) in subparagraph (C)—

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

13 “(i) IN GENERAL.—Except as pro-
14 vided in clause (ii) and subparagraph
15 (D)(iii)”;

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

18 (iii) by adding at the end the fol-
19 lowing:

20 “(ii) SMALL PROJECTS.—The Federal
21 share of the cost of carrying out an activ-
22 ity under this subsection the total cost of
23 which is less than \$100,000 may be 100
24 percent.”; and

1 (C) in subparagraph (D)(i)(I), by striking
2 “or services” and inserting “services, or retailer
3 associate wages”;

4 (2) by redesignating subsections (c) through (f)
5 as subsections (d) through (g), respectively;

6 (3) by inserting after subsection (b) the fol-
7 lowing:

8 “(c) SCALING GRANTS.—

9 “(1) DEFINITION OF COVERED ELIGIBLE ENTI-
10 TY.—In this subsection, the term ‘covered eligible
11 entity’ means an eligible entity that—

12 “(A) has previously received a large-scale
13 grant under subsection (b); and

14 “(B) has—

15 “(i) a demonstrated record for launch-
16 ing and maintaining projects described in
17 subsection (b) that have gone through an
18 evaluation within a State, region, or Tribal
19 Nation; and

20 “(ii) the project design, infrastruc-
21 ture, and administrative support necessary
22 for project implementation in a State, re-
23 gion, or Tribal Nation, as applicable.

24 “(2) ESTABLISHMENT.—The Secretary shall
25 award grants to covered eligible entities to scale ex-

1 isting participation and access levels in the project
2 carried out by the covered eligible entity using a
3 grant received under subsection (b).

4 “(3) STREAMLINED APPLICATION.—The Sec-
5 retary may streamline the application process for
6 covered eligible entities applying for a grant under
7 this subsection.

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

13 “(5) PROJECT REQUIREMENTS.—A project car-
14 ried out using a grant received under this subsection
15 shall meet the following requirements:

16 “(A) The project shall adhere to the cri-
17 teria for projects described in subsection (b)(2).

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

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

22 “(i) use not less than \$3,000,000 per
23 year; and

1 “(ii) by the end of the 4-year term of
2 the project, use not less than 75 percent of
3 project funds on redeemed incentives.”;

4 (4) in subsection (d) (as so redesignated)—

5 (A) in paragraph (1)—

6 (i) by redesignating subparagraphs
7 (A) through (C) as clauses (i) through
8 (iii), respectively, and indenting appro-
9 priately;

10 (ii) in the matter preceding clause (i)
11 (as so redesignated), by striking “entities
12 to conduct projects that demonstrate” and
13 inserting the following: “entities—

14 “(A) to conduct projects described in para-
15 graph (3) that demonstrate”;

16 (iii) in subparagraph (A)(iii) (as so
17 redesignated), by striking the period at the
18 end and inserting “; and”; and

19 (iv) by adding at the end the fol-
20 lowing:

21 “(B) to conduct projects that scale up
22 projects carried out using a grant under sub-
23 paragraph (A), or to conduct other large-scale
24 projects, by expanding advanced rigor clinical

1 research through program delivery through clin-
2 ical practice.”;

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

5 (C) in paragraph (3), by striking the para-
6 graph designation and heading and all that fol-
7 lows through “An application shall—” in sub-
8 paragraph (B) in the matter preceding clause
9 (i), and inserting the following:

10 “(3) PROJECTS.—

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

14 “(i) prescribe fresh fruits and vegeta-
15 bles to members; and

16 “(ii) may—

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

21 “(II) provide educational re-
22 sources on nutrition to members; and

23 “(III) establish additional acces-
24 sible locations for members to procure
25 fresh fruits and vegetables.

1 “(B) OTHER ACTIVITIES.—A project de-
2 scribed in subparagraph (A) shall be required
3 to carry out at least 1 of the following activi-
4 ties:

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

7 “(ii) Establish or validate best prac-
8 tices.

9 “(iii) Establish infrastructure that
10 aids community health centers and inde-
11 pendent produce retail outlets.

12 “(4) APPLICATIONS.—

13 “(A) IN GENERAL.—To be eligible to re-
14 ceive a grant under paragraph (1), an eligible
15 entity shall submit to the Secretary an applica-
16 tion containing such information as the Sec-
17 retary may require, including the information
18 described in subparagraph (B).

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

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

23 “(C) PRIORITY.—In awarding grants
24 under paragraph (1), the Secretary shall give
25 priority to projects that offer a variety of retail

1 settings, including produce prescription redemp-
 2 tion at independent grocers.

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

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

8 “(B) in the case of a grant awarded under
 9 subparagraph (B) of that paragraph, is not less
 10 than \$1,000,000 and not more than
 11 \$2,500,000.”;

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

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

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

17 (6) in subsection (f) (as so redesignated), in
 18 paragraph (2), in the matter preceding subpara-
 19 graph (A), by striking “(b) and (c)” and inserting
 20 “(b), (c), and (d)”;

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

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

24 (B) in paragraph (2)—

1 (i) by redesignating subparagraphs
2 (D) through (G) as subparagraphs (E)
3 through (H), respectively;

4 (ii) by redesignating the second sub-
5 paragraph (C) (relating to fiscal year
6 2019) as subparagraph (D);

7 (iii) in subparagraph (G) (as so redesi-
8 gnated), by striking “and” at the end
9 after the semicolon; and

10 (iv) by striking subparagraph (H) (as
11 so redesignated) and inserting the fol-
12 lowing:

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

14 and

15 “(I) \$150,000,000 for each of fiscal years
16 2024 through 2028.”; and

17 (C) in paragraph (3)—

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

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

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

24 (iii) by adding at the end the fol-
25 lowing:

1 “(D) for each fiscal year the Secretary
2 shall use not less than \$75,000,000 of such
3 funds available for such fiscal year for awarding
4 grants under subsection (c).”.

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

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

10 (2) by striking “(e)(2)(B)(iii)” each place it ap-
11 pears and inserting “(f)(2)(B)(iii)”;

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

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