

117TH CONGRESS
1ST SESSION

H. R. 5346

To amend the Food and Nutrition Act of 2008 to provide for the direct certification and enrollment of households of active members of the Armed Forces of the United States in the supplemental nutrition assistance program; and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 23, 2021

Mr. BISHOP of Georgia (for himself, Mr. FORTENBERRY, Mrs. HAYES, Mr. NEWHOUSE, Mr. MCGOVERN, Mr. RESCHENTHALER, Ms. MCCOLLUM, Mr. HUDSON, Mr. LAWSON of Florida, Ms. KUSTER, Mr. RUSH, Mr. LEVIN of California, Mr. POCAN, Mr. RYAN, Ms. NORTON, Ms. ROSS, Mr. CÁRDENAS, Mr. MORELLE, Mr. COOPER, Mr. BOWMAN, Ms. BROWNLEY, Ms. WILD, Ms. LOFGREN, Ms. SCANLON, and Mr. DESAULNIER) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Food and Nutrition Act of 2008 to provide for the direct certification and enrollment of households of active members of the Armed Forces of the United States in the supplemental nutrition assistance 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Equal Access to the
3 Right Nutrition for Military Families (EARN) Act of
4 2021”.

5 **SEC. 2. FINDINGS.**

6 The Congress finds the following:

7 (1) Section 605 of the National Defense Au-
8 thorization Act for Fiscal Year 2016 directed the
9 Secretary of Agriculture to ensure that data on
10 usage of the supplemental nutrition assistance pro-
11 gram (commonly known as SNAP) by members of
12 the Armed Forces was shared with the Secretary of
13 Defense.

14 (2) The Government Accountability Office
15 found in 2016 that the Department of Defense had
16 no coordination effort underway to access such data.

17 (3) The same 2016 Government Accountability
18 Office report recommended that the Department of
19 Defense revise surveys to collect and analyze more
20 complete data on food assistance utilization among
21 service members and coordinate with the Depart-
22 ment of Agriculture to leverage its access to data on
23 service members and their families who use their
24 programs services.

25 (4) Section 656 of the National Defense Au-
26 thorization Act for Fiscal Year 2020 directed the

1 Secretary of Defense to submit a report to the Com-
2 mittees on Armed Services of the Senate and the
3 House of Representatives on the extent of food inse-
4 curity among members of the Armed Forces and
5 their dependents by May 1, 2020.

6 (5) The Conference Report accompanying the
7 National Defense Authorization Act for Fiscal Year
8 2021 reiterated the importance of the report, ex-
9 tended the deadline for completion to March 31,
10 2021, and directed the Secretary of Defense to take
11 necessary action to address any food insecurity
12 found to exist among members of the Armed Forces
13 and their dependents.

14 (6) The Secretary of Defense has still not sub-
15 mitted the report.

16 (7) Testimony presented before the Committee
17 on Rules of the House of Representatives on May
18 27, 2021, revealed that—

19 (A) 14 percent of active duty service mem-
20 bers experience low or very low food security,

21 (B) military families of color struggle with
22 food insecurity at higher rates than their white
23 peers,

24 (C) military spouse unemployment is 7
25 times higher than the national average,

1 (D) frequent moves associated with mili-
2 tary lifestyle place additional burdens on the fi-
3 nancial security of military families, and

4 (E) additional costs for childcare, when
5 available, further drain household finances.

6 (8) Research conducted by the Department of
7 Agriculture shows a clear linkage between food inse-
8 curity and mental health concerns, including anxiety,
9 depression, and suicidal ideation.

10 (9) As a result of military service members' fac-
11 ing barriers in accessing supplemental nutrition as-
12 sistance program benefits, food banks and food pan-
13 tries operate on or near every military base in the
14 United States, serving food insecure military fami-
15 lies.

16 (10) The transition from military service to ci-
17 vilian life is often a point of increased hardship, es-
18 pecially for those separating at younger ages and
19 with few job skills that transition easily to the civil-
20 ian economy.

21 (11) Unemployment is a significant problem
22 among Gulf War era II (post 9/11 wars) veterans,
23 particularly those aged 25–34.

1 **SEC. 3. INCOME AND ASSETS OF MILITARY FAMILY HOUSE-**
2 **HOLDS.**

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

5 (1) in subsection (e) by adding at the end the
6 following:

7 “In the case of military family households, the Secretary
8 of Defense may be the benefit issuer.”,

9 (2) by inserting after subsection (g) the fol-
10 lowing:

11 “(g–1) DEPENDENT.—‘Dependent’, for purposes of
12 section 5(d)(21), has the meaning given such term in sec-
13 tion 401 of title 37 of the United States Code.”, and

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

16 “(m–1) ‘Military family household’ means an active
17 duty member of the Armed Forces and all dependents liv-
18 ing with such member. Any member of the household that
19 is not within the definition of ‘military family household’
20 retains their eligibility for State administered supple-
21 mental nutrition assistance program.

22 “(m–2) ‘Military pay’, for purposes of section
23 5(d)(21), means the basic pay, basic allowance for subsist-
24 ence, basic allowance for housing (or applicable cash
25 equivalent), overseas housing allowance, bonuses, and spe-
26 cial and incentive payments of such member, as reported

1 by the Department of Defense Integrated Personnel and
2 Pay System.”.

3 (b) INCOME.—Section 5 of the Food and Nutrition
4 Act of 2008 (7 U.S.C. 2014) is amended—

5 (1) in subsection (c)—

6 (A) in paragraph (1) by striking “and” at
7 the end,

8 (B) in paragraph (2) by striking the period
9 at the end and inserting “; and”, and

10 (C) by adding at the end the following:

11 “(3) in the case of a household that includes a
12 member of the Armed Forces of the United States,
13 the household’s income (after the exclusions provided
14 for in subsection (d) but before the deductions pro-
15 vided for in subsection (e)) exceeds the poverty line
16 by more than 100 percent.”,

17 (2) in subsection (d)—

18 (A) in paragraph (18) by striking “and” at
19 the end,

20 (B) in paragraph (19)(B) by striking the
21 period at the end and inserting “; and”, and

22 (C) by adding at the end the following:

23 “(20) the basic housing allowance (or applicable
24 cash equivalent) received by household members who

1 are active members of the Armed Forces of the
2 United States.”.

3 (c) **MILITARY FAMILY HOUSEHOLD ELIGIBILITY.**—
4 Section 5 of the Food and Nutrition Act of 2008 (7 U.S.C.
5 2014) is amended by adding at the end the following:

6 “(o) **MILITARY FAMILY HOUSEHOLD ELIGIBILITY.**—
7 Notwithstanding any other provision of this section, a
8 military family household shall not be ineligible for failing
9 to meet the requirements of subsection (g), (h), (i), (j),
10 (k), (l), (m), or (n).”.

11 **SEC. 4. ELIGIBILITY DISQUALIFICATIONS OF MILITARY**
12 **FAMILY HOUSEHOLDS.**

13 Section 6 of the Food and Nutrition Act of 2008 (7
14 U.S.C. 2014) is amended by adding at the end the fol-
15 lowing:

16 “(t) **ELIGIBILITY DISQUALIFICATIONS OF MILITARY**
17 **FAMILY HOUSEHOLDS.**—Notwithstanding any other pro-
18 vision of this section, only subsections (m), (n), (s), and
19 (q) shall apply with respect to military family house-
20 holds.”.

21 **SEC. 5. OUTREACH BY THE SECRETARY OF DEFENSE.**

22 The Secretary of Defense shall provide outreach to
23 active members of the Armed Forces of the United States
24 to inform them that they may be eligible to receive the

1 supplemental nutrition assistance program benefits as a
2 result of amendments made by this Act.

3 **SEC. 6. ENROLLMENT AND ADMINISTRATION OF SNAP BEN-**
4 **EFITS.**

5 Not later than 30 days after the date of the enact-
6 ment of this Act, the Secretary of Agriculture and the Sec-
7 retary of Defense shall begin to develop a memorandum
8 of understanding and a data sharing agreement to be com-
9 pleted not later than 180 days after the date of the enact-
10 ment of this Act that—

11 (1) establishes a federally administered supple-
12 mental nutrition assistance program benefit for mili-
13 tary family households,

14 (2) provides for direct certification and enroll-
15 ment of eligible military family households in the
16 supplemental nutrition assistance program,

17 (3) allows the Department of Defense to certify,
18 enroll, and issue supplemental nutrition assistance
19 benefits to eligible military family households,

20 (4) establishes an online portal and a call cen-
21 ter for military family households to report non-mili-
22 tary income and changes to non-military income, ac-
23 cess program information, and opt out of benefits,
24 and

1 (5) establishes an automatic, temporary six
2 month transitional supplemental nutrition assistance
3 program benefit for military family households of
4 which one or more military servicemembers are hon-
5 orably discharged.

6 **SEC. 7. DATA COLLECTION ON FOOD INSECURITY AMONG**
7 **MEMBERS OF THE ARMED FORCES AND**
8 **THEIR DEPENDENTS.**

9 (a) REPORT REQUIRED.—Not later than 1 year after
10 the date of the enactment of this Act, the Secretary of
11 Defense and the Secretary of Agriculture acting jointly
12 shall submit a report on food insecurity among members
13 of the Armed Forces and their dependents in addition to
14 the report required by Section 656 of Public Law 116–
15 92 to the following:

16 (1) The Committee on Armed Services of the
17 Senate.

18 (2) The Committee on Armed Services of the
19 House of Representatives.

20 (3) The Committee on Agriculture, Nutrition,
21 and Forestry of the Senate.

22 (4) The Committee on Agriculture of the House
23 of Representatives.

24 (5) Of the Committee on Appropriations of the
25 Senate—

1 (A) the Subcommittee on Agriculture,
2 Rural Development, Food, and Drug Adminis-
3 tration, and Related Agencies,

4 (B) the Subcommittee on Military Con-
5 struction, Veterans Affairs, and Related Agen-
6 cies, and

7 (C) the Subcommittee on Defense.

8 (6) Of the Committee on Appropriations of the
9 House of Representatives—

10 (A) the Subcommittee on Agriculture,
11 Rural Development, Food, and Drug Adminis-
12 tration, and Related Agencies,

13 (B) the Subcommittee on Military Con-
14 struction, Veterans Affairs, and Related Agen-
15 cies, and

16 (C) the Subcommittee on Defense.

17 (b) ELEMENTS.—The report required by subsection
18 (a) shall include the following:

19 (1) Data collection and analysis of the current
20 extent of food insecurity among members of the
21 Armed Forces and their dependents using the
22 USDA Six-Item Short Form Food Security Scale.

23 (2) The impact of the amendments made by
24 this Act on the supplemental nutrition assistance
25 program enrollment of military family households.

1 (3) The incidence and analysis of underpay-
2 ments and overpayments with respect to the benefits
3 established in paragraphs (1) and (5) of section 6.

4 (4) Any other recommendations for policies,
5 programs, and activities to address food insecurity
6 among members of the Armed Forces and their de-
7 pendents that the Secretaries consider appropriate.

8 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS FOR ADMIN-**
9 **ISTRATION.**

10 There are authorized to be appropriated such sums
11 as may be necessary for fiscal years 2022 through 2026
12 for administrative operations and activities to carry out
13 the amendments made by this Act.

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