

118TH CONGRESS
1ST SESSION

H. R. 3646

To increase the availability and affordability of menstrual products for individuals with limited access, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 24, 2023

Ms. MENG (for herself, Ms. BARRAGÁN, Mrs. BEATTY, Mr. BOWMAN, Ms. BROWNLEY, Ms. BUDZINSKI, Ms. BUSH, Mr. CARSON, Mr. CASTEN, Ms. CHU, Ms. CLARKE of New York, Mr. CONNOLLY, Ms. DELBENE, Mr. DOGGETT, Ms. ESCOBAR, Mr. ESPAILLAT, Mr. EVANS, Ms. LOIS FRANKEL of Florida, Ms. GARCIA of Texas, Mr. GARCÍA of Illinois, Mr. GOMEZ, Mr. GREEN of Texas, Mr. GRIJALVA, Ms. JACOBS, Ms. JAYAPAL, Mr. JOHNSON of Georgia, Ms. KAMLAGER-DOVE, Ms. KELLY of Illinois, Mr. KILMER, Mr. KIM of New Jersey, Ms. KUSTER, Ms. LEE of Pennsylvania, Ms. LEE of California, Ms. MATSUI, Mr. MEEKS, Mr. MENENDEZ, Ms. MOORE of Wisconsin, Mr. MORELLE, Mr. MULLIN, Mrs. NAPOLITANO, Ms. NORTON, Mr. PAYNE, Ms. PETERSEN, Ms. PINGREE, Mr. QUIGLEY, Ms. SCANLON, Ms. SCHAKOWSKY, Ms. SCHRIER, Ms. SEWELL, Mr. SHERMAN, Ms. STRICKLAND, Mr. TAKANO, Ms. TLAIB, Ms. TOKUDA, Mr. TONKO, Mr. TORRES of New York, Mr. TRONE, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Mrs. WATSON COLEMAN, Ms. WILLIAMS of Georgia, Ms. WILSON of Florida, Ms. BALINT, and Ms. OCASIO-CORTEZ) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on the Judiciary, Financial Services, Energy and Commerce, Transportation and Infrastructure, Ways and Means, and the Budget, 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 increase the availability and affordability of menstrual products for individuals with limited access, 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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
 5 “Menstrual Equity For All Act of 2023”.

6 (b) **TABLE OF CONTENTS.**—The table of contents of
 7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Menstrual products for students at elementary and secondary schools.
- Sec. 4. Menstrual products for students at institutions of higher education.
- Sec. 5. Menstrual products for incarcerated individuals and detainees.
- Sec. 6. Menstrual products availability for homeless individuals under Emergency Food and Shelter Grant Program.
- Sec. 7. Menstrual products covered by Medicaid.
- Sec. 8. Menstrual products for employees.
- Sec. 9. Menstrual products in Federal buildings.
- Sec. 10. Menstrual products in the Social Services Block Grant Program.
- Sec. 11. Menstrual products and taxation.
- Sec. 12. Menstrual products in TANF.

8 **SEC. 2. FINDINGS.**

9 Congress finds the following:

10 (1) Menstrual products are a necessity each
 11 month for millions of individuals across the United
 12 States.

13 (2) More than half of the United States popu-
 14 lation will likely menstruate every month for decades
 15 of their lives.

16 (3) A lack of menstrual products, often called
 17 “period poverty”, can adversely affect an individual’s
 18 health and well-being.

1 (4) Period poverty exacerbates the vicious cycle
2 of poverty by further marginalizing individuals who
3 menstruate, causing them to withdraw from daily
4 life, forego pay, or miss educational opportunities.

5 (5) Addressing period poverty is essential to en-
6 suring educational equity for diverse populations.

7 (6) Studies have shown that 1 in 4 women and
8 girls report struggling to afford menstrual products.

9 (7) Studies have shown that 1 in 10 college stu-
10 dents in the United States are affected by period
11 poverty.

12 (8) Period poverty disproportionately affects
13 Black, Latina, immigrant, and first-generation stu-
14 dents at higher rates than other cohorts.

15 (9) Individuals living in period poverty are more
16 likely to experience depression than individuals with
17 access to period products.

18 (10) Period poverty can increase the risk of in-
19 fections due to—

20 (A) the use of substitutes for menstrual
21 products (such as paper towels or toilet paper);
22 and

23 (B) the inability to change menstrual prod-
24 ucts as frequently as recommended.

1 **SEC. 3. MENSTRUAL PRODUCTS FOR STUDENTS AT ELE-**
2 **MENTARY AND SECONDARY SCHOOLS.**

3 (a) IN GENERAL.—Section 4108(5)(C) of the Ele-
4 mentary and Secondary Education Act of 1965 (20 U.S.C.
5 7118(5)(C)) is amended—

6 (1) in clause (vi), by striking “or” after the
7 semicolon;

8 (2) in clause (vii), by inserting “or” after the
9 semicolon; and

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

11 “(viii) provide free menstrual products
12 to students who use menstrual products;”.

13 (b) DEFINITIONS.—Section 4102 of the Elementary
14 and Secondary Education Act of 1965 (20 U.S.C. 7112)
15 is amended—

16 (1) by redesignating paragraphs (6) through
17 (8) as paragraphs (7) through (9), respectively; and

18 (2) by inserting after paragraph (5) the fol-
19 lowing:

20 “(6) MENSTRUAL PRODUCTS.—The term ‘men-
21 strual products’ means sanitary napkins and tam-
22 pons that conform to applicable industry stand-
23 ards.”.

24 (c) RULEMAKING.—Not later than 1 year after the
25 date of enactment of this Act, the Secretary of Education,
26 in consultation with the Secretary of Health and Human

1 Services, shall promulgate rules with respect to the defini-
2 tion of “menstrual products” in paragraph (6) of section
3 4102 of the Elementary and Secondary Education Act of
4 1965 (20 U.S.C. 7112), as amended by section 3(b).

5 **SEC. 4. MENSTRUAL PRODUCTS FOR STUDENTS AT INSTI-**
6 **TUTIONS OF HIGHER EDUCATION.**

7 (a) PURPOSE.—The purpose of this section is to al-
8 leviate—

9 (1) the barriers to academic success faced by
10 many college and graduate students due to the in-
11 ability of such students to afford to purchase men-
12 strual products; and

13 (2) the unique set of burdens that college and
14 graduate students experiencing period poverty face
15 that can be compounded by lack of access to basic
16 needs such as housing, food, transportation, and ac-
17 cess to physical and mental health services.

18 (b) IN GENERAL.—The Secretary of Education shall
19 establish a program to award grants, on a competitive
20 basis, to at least 4 institutions of higher education (as
21 such term is defined in section 101 of the Higher Edu-
22 cation Act of 1965 (20 U.S.C. 1001)), to—

23 (1) support programs that provide free men-
24 strual products to students; and

25 (2) report on best practices of such programs.

1 (c) APPLICATION.—To apply for a grant under this
2 section, an institution of higher education shall submit to
3 the Secretary an application in such form, at such time,
4 and containing such information as the Secretary deter-
5 mines appropriate, including an assurance that such grant
6 will be used to carry out the activities described in sub-
7 section (e).

8 (d) COMMUNITY COLLEGES.—At least 50 percent of
9 the grants awarded under this section shall be awarded
10 to community colleges.

11 (e) GRANT USES.—A grant awarded under this sec-
12 tion may only be used to—

13 (1) carry out or expand activities that fund pro-
14 grams that support direct provision of free men-
15 strual products to students in appropriate campus
16 locations, including—

17 (A) campus restroom facilities;

18 (B) wellness centers; and

19 (C) on-campus residential buildings;

20 (2) report on best practices of such programs;

21 (3) conduct outreach to students to encourage
22 participation in menstrual equity programs and serv-
23 ices;

1 (4) help eligible students apply for and enroll in
2 local, State, and Federal public assistance programs;
3 and

4 (5) coordinate and collaborate with government
5 or community-based organizations to carry out the
6 activities described in paragraphs (1) through (4).

7 (f) PRIORITY.—In awarding grants under this sec-
8 tion, the Secretary shall prioritize—

9 (1) institutions with Federal Pell Grant enroll-
10 ment that is at least 25 percent of the total enroll-
11 ment of such institution; and

12 (2) historically Black colleges and universities,
13 Hispanic-serving institutions, Asian American and
14 Native American Pacific Islander-serving institu-
15 tions, and other minority serving institutions.

16 (g) MENSTRUAL PRODUCT DEFINED.—In this sec-
17 tion, the term “menstrual product” means a sanitary nap-
18 kin or tampon that conforms to industry standards.

19 (h) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated \$5,000,000 out of funds
21 appropriated for a fiscal year to the Fund for the Improve-
22 ment of Postsecondary Education under section 741 of the
23 Higher Education Act of 1965 (20 U.S.C. 1138) to carry
24 out the grant program under this section.

1 **SEC. 5. MENSTRUAL PRODUCTS FOR INCARCERATED INDI-**
2 **VIDUALS AND DETAINEES.**

3 (a) REQUIREMENT FOR STATES.—Beginning on the
4 date that is 180 days after the date of the enactment of
5 this Act, and annually thereafter, the chief executive offi-
6 cer of each State that receives a grant under subpart 1
7 of part E of title I of the Omnibus Crime Control and
8 Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) (com-
9 monly referred to as the “Edward Byrne Memorial Justice
10 Assistance Grant Program”) shall submit to the Attorney
11 General a certification, in such form and containing such
12 information as the Attorney General may require, that all
13 incarcerated individuals and detainees in that State have
14 access to menstrual products on demand and at no cost
15 to the incarcerated individuals and detainees, and that no
16 visitor is prohibited from visiting an incarcerated indi-
17 vidual due to the visitor’s use of menstrual products.

18 (b) REDUCTION IN GRANT FUNDING.—In the case
19 of a State whose chief executive officer fails to submit a
20 certification required under subsection (a) in a fiscal year,
21 the Attorney General shall reduce the amount that the
22 State would have otherwise received under section 505 of
23 title I of the Omnibus Crime Control and Safe Streets Act
24 of 1968 (42 U.S.C. 3755) by 20 percent for the following
25 fiscal year.

1 (c) REALLOCATION.—Amounts not allocated to a
2 State under section 505 of title I of the Omnibus Crime
3 Control and Safe Streets Act of 1968 (42 U.S.C. 3755)
4 for a fiscal year pursuant to subsection (b) shall be reallo-
5 cated under such section to States that submit such cer-
6 tifications.

7 (d) MENSTRUAL PRODUCTS.—For the purposes of
8 subsection (a), the term “menstrual products” means san-
9 itary napkins and tampons that conform to applicable in-
10 dustry standards.

11 (e) AVAILABILITY FOR FEDERAL PRISONERS.—The
12 Attorney General shall make rules requiring, and the Di-
13 rector of the Bureau of Prisons shall take such actions
14 as may be necessary to ensure, the distribution and acces-
15 sibility without charge of menstrual products to prisoners
16 in the custody of the Bureau of Prisons, including any
17 prisoner in a Federal penal or correctional institution, any
18 Federal prisoner in a State penal or correctional institu-
19 tion, and any Federal prisoner in a facility administered
20 by a private detention entity, to ensure that each prisoner
21 who requires these products may receive them in sufficient
22 quantity.

23 (f) AVAILABILITY FOR DETAINEES.—The Secretary
24 of Homeland Security shall take such actions as may be
25 necessary to ensure that menstrual products are distrib-

1 uted and made accessible to each alien detained by the
2 Secretary of Homeland Security, including any alien in a
3 facility administered by a private detention entity, at no
4 expense to the alien.

5 **SEC. 6. MENSTRUAL PRODUCTS AVAILABILITY FOR HOME-**
6 **LESS INDIVIDUALS UNDER EMERGENCY**
7 **FOOD AND SHELTER GRANT PROGRAM.**

8 Subsection (a) of section 316 of the McKinney-Vento
9 Homeless Assistance Act (42 U.S.C. 11346(a)) is amend-
10 ed—

11 (1) in paragraph (5), by striking “and” at the
12 end;

13 (2) in paragraph (6), by striking the period at
14 the end and inserting “; and”; and

15 (3) by adding at the end the following new
16 paragraph:

17 “(7) guidelines that ensure that amounts pro-
18 vided under the program to private nonprofit organi-
19 zations and local governments may be used to pro-
20 vide sanitary napkins and tampons that conform to
21 applicable industry standards.”.

22 **SEC. 7. MENSTRUAL PRODUCTS COVERED BY MEDICAID.**

23 (a) IN GENERAL.—Section 1905 of the Social Secu-
24 rity Act (42 U.S.C. 1396d) is amended—

25 (1) in subsection (a)—

1 (A) by redesignating paragraphs (30) and
2 (31) as paragraphs (31) and (32), respectively;
3 and

4 (B) by inserting after paragraph (29) the
5 following new paragraph:

6 “(30) menstrual products (as defined in sub-
7 section (jj));”; and

8 (2) by adding at the end the following new sub-
9 section:

10 “(jj) MENSTRUAL PRODUCTS.—For purposes of sub-
11 section (a)(30), the term ‘menstrual products’ means men-
12 strual cups, menstrual discs, menstrual underwear, and
13 sanitary napkins and tampons, that conform to applicable
14 industry standards.”.

15 (b) EFFECTIVE DATE.—

16 (1) IN GENERAL.—Subject to paragraph (2),
17 the amendments made by this section shall apply
18 with respect to medical assistance furnished during
19 or after the first calendar quarter beginning on or
20 after the date that is 1 year after the date of the
21 enactment of this Act.

22 (2) EXCEPTION FOR STATE LEGISLATION.—In
23 the case of a State plan under title XIX of the So-
24 cial Security Act (42 U.S.C. 1396 et seq.) that the
25 Secretary of Health and Human Services determines

1 requires State legislation in order for the respective
2 plan to meet any requirement imposed by amend-
3 ments made by this section, the respective plan shall
4 not be regarded as failing to comply with the re-
5 quirements of such title solely on the basis of its
6 failure to meet such an additional requirement be-
7 fore the first day of the first calendar quarter begin-
8 ning after the close of the first regular session of the
9 State legislature that begins after the date of the en-
10 actment of this Act. For purposes of the previous
11 sentence, in the case of a State that has a 2-year
12 legislative session, each year of the session shall be
13 considered to be a separate regular session of the
14 State legislature.

15 **SEC. 8. MENSTRUAL PRODUCTS FOR EMPLOYEES.**

16 Section 6 of the Occupational Safety and Health Act
17 of 1970 (29 U.S.C. 655) is amended by adding at the end
18 the following:

19 “(h) The Secretary shall by rule promulgate a re-
20 quirement that each employer with not less than 100 em-
21 ployees provide menstrual products free of charge for em-
22 ployees of the employer. For purposes of the preceding
23 sentence, ‘menstrual products’ means sanitary napkins
24 and tampons that conform to applicable industry stand-
25 ards.”.

1 **SEC. 9. MENSTRUAL PRODUCTS IN FEDERAL BUILDINGS.**

2 (a) REQUIREMENT.—Each appropriate authority
3 shall ensure that menstrual products are stocked in, and
4 available free of charge in, each covered restroom in each
5 covered public building under the jurisdiction of such au-
6 thority.

7 (b) DEFINITIONS.—In this section:

8 (1) APPROPRIATE AUTHORITY.—The term “ap-
9 propriate authority” means the head of a Federal
10 agency, the Architect of the Capitol, or other official
11 authority responsible for the operation of a covered
12 public building.

13 (2) COVERED PUBLIC BUILDING.—The term
14 “covered public building” means a public building,
15 as defined in section 3301 of title 40, United States
16 Code, that is open to the public and contains a pub-
17 lic restroom, and includes a building listed in section
18 6301 or 5101 of such title.

19 (3) COVERED RESTROOM.—The term “covered
20 restroom” means a restroom in a covered public
21 building.

22 (4) MENSTRUAL PRODUCTS.—The term “men-
23 strual products” means sanitary napkins and tam-
24 pons that conform to applicable industry standards.

1 **SEC. 10. MENSTRUAL PRODUCTS IN THE SOCIAL SERVICES**
2 **BLOCK GRANT PROGRAM.**

3 (a) INCREASE IN FUNDING FOR SOCIAL SERVICES
4 BLOCK GRANT PROGRAM.—

5 (1) IN GENERAL.—The amount specified in
6 subsection (c) of section 2003 of the Social Security
7 Act (42 U.S.C. 1397b) for purposes of subsections
8 (a) and (b) of such section is deemed to be
9 \$1,900,000,000 for each of fiscal years 2024
10 through 2027, of which, the amount equal to
11 \$200,000,000, reduced by the amounts reserved
12 under paragraph (2)(B) for each such fiscal year,
13 shall be obligated by States in accordance with sub-
14 section (b).

15 (2) APPROPRIATION.—

16 (A) IN GENERAL.—Out of any money in
17 the Treasury of the United States not otherwise
18 appropriated, there is appropriated
19 \$200,000,000 for each of fiscal years 2024
20 through 2027, to carry out this section.

21 (B) RESERVATIONS.—

22 (i) PURPOSES.—The Secretary shall
23 reserve, from the amount appropriated
24 under subparagraph (A) to carry out this
25 section—

1 (I) for each of fiscal years 2024
2 through 2027, not more than 2 per-
3 cent of the amount appropriated for
4 the fiscal year for purposes of enter-
5 ing into an agreement with an eligible
6 entity described in subparagraph (C)
7 to assist in providing technical assist-
8 ance and training, to support effective
9 policy, practice, research, and cross-
10 system collaboration among grantees
11 and subgrantees, and to assist in the
12 administration of the program de-
13 scribed in this section; and

14 (II) for fiscal year 2024, an
15 amount, not to exceed \$2,000,000, for
16 purposes of conducting an evaluation
17 under subsection (d).

18 (ii) NO STATE ENTITLEMENT TO RE-
19 SERVED FUNDS.—The State entitlement
20 under section 2002(a) of the Social Secu-
21 rity Act (42 U.S.C. 1397a(a)) shall not
22 apply to the amounts reserved under clause
23 (i).

24 (C) ELIGIBLE ENTITY DESCRIBED.—An el-
25 igible entity described in this subparagraph is a

1 nonprofit organization described in section
2 501(c)(3) of the Internal Revenue Code of 1986
3 and exempt from taxation under section 501(a)
4 of such Code, that—

5 (i) has experience in more than 1
6 State in the area of community distribu-
7 tions of basic need services, including expe-
8 rience collecting, warehousing, and distrib-
9 uting basic necessities such as menstrual
10 products;

11 (ii) demonstrates competency to im-
12 plement a project, provide fiscal account-
13 ability, collect data, and prepare reports
14 and other necessary documentation; and

15 (iii) demonstrates a willingness to
16 share information with researchers, practi-
17 tioners, and other interested parties.

18 (b) RULES GOVERNING USE OF ADDITIONAL
19 FUNDS.—

20 (1) IN GENERAL.—Funds are used in accord-
21 ance with this subsection if—

22 (A) the State, in consultation with relevant
23 stakeholders, including agencies, professional
24 associations, and nonprofit organizations, dis-
25 tributes the funds to eligible entities to—

1 (i) decrease the unmet need for men-
2 strual products by low-income menstru-
3 ating individuals through—

4 (I) the distribution of free men-
5 strual products;

6 (II) community outreach to assist
7 in participation in existing menstrual
8 product distribution programs; or

9 (III) improving access to men-
10 strual products among low-income in-
11 dividuals; and

12 (ii) increase the ability of communities
13 and low-income families in such commu-
14 nities to provide for the need for menstrual
15 products of low-income adults; and

16 (B) the funds are used subject to the limi-
17 tations in section 2005 of the Social Security
18 Act (42 U.S.C. 1397d).

19 (2) ALLOWABLE USES BY ELIGIBLE ENTI-
20 TIES.—

21 (A) IN GENERAL.—An eligible entity re-
22 ceiving funds made available under subsection
23 (a) shall use the funds for any of the following:

1 (i) To pay for the purchase and dis-
2 tribution of menstrual products among
3 low-income individuals.

4 (ii) To integrate activities carried out
5 under subparagraph (A) with other basic
6 needs assistance programs serving low-in-
7 come families, including the following:

8 (I) Programs funded by the tem-
9 porary assistance for needy families
10 program under part A of title IV of
11 the Social Security Act (42 U.S.C.
12 601 et seq.), including the State
13 maintenance of effort provisions of
14 such program.

15 (II) Programs designed to sup-
16 port the health of eligible children,
17 such as the Children's Health Insur-
18 ance Program under title XXI of the
19 Social Security Act, the Medicaid pro-
20 gram under title XIX of such Act, or
21 State funded health care programs.

22 (III) Programs funded through
23 the special supplemental nutrition
24 program for women, infants, and chil-

1 dren under section 17 of the Child
2 Nutrition Act of 1966.

3 (IV) Programs that offer early
4 home visiting services, including the
5 maternal, infant, and early childhood
6 home visiting program (including the
7 Tribal home visiting program) under
8 section 511 of the Social Security Act
9 (42 U.S.C. 711).

10 (iii) To provide training or technical
11 assistance in carrying out activities under
12 this section.

13 (iv) To cover administrative costs.

14 (B) LIMITATION ON USE OF FUNDS FOR
15 ADMINISTRATIVE COSTS.—An eligible entity re-
16 ceiving funds made available under this section
17 shall not use more than 9 percent of the funds
18 for administrative costs incurred pursuant to
19 this section.

20 (3) AVAILABILITY OF FUNDS.—

21 (A) FUNDS DISTRIBUTED TO ELIGIBLE
22 ENTITIES.—Funds made available under sub-
23 section (a) that are distributed to an eligible en-
24 tity by a State for a fiscal year may be ex-

1 pended by the eligible entity only in such fiscal
2 year or the succeeding fiscal year.

3 (B) EVALUATION.—Funds reserved under
4 subsection (a)(2)(B)(i)(II) to carry out the eval-
5 uation under subsection (d) shall be available
6 for expenditure through September 30, 2028.

7 (4) NO EFFECT ON OTHER PROGRAMS.—Any
8 assistance or benefits received by a family through
9 funds made available under subsection (a) shall be
10 disregarded for purposes of determining the family’s
11 eligibility for, or amount of, benefits under any other
12 Federal needs-based programs.

13 (c) ANNUAL REPORTS.—Section 2004 of the Social
14 Security Act shall apply with respect to payments made
15 to a State under this section in the same way it applies
16 with respect to payments made to a State under section
17 2002 of such Act.

18 (d) EVALUATION.—The Secretary, in consultation
19 with States, the eligible entities described in subsection
20 (a)(2)(C) receiving funds made available under this sec-
21 tion, shall—

22 (1) not later than December 30, 2030, complete
23 an evaluation of the effectiveness of the assistance
24 program carried out pursuant to this section, such
25 as the effect of activities carried out under this Act

1 on mitigating the health risks of unmet menstrual
2 products need among individuals in low-income fami-
3 lies;

4 (2) not later than March 31, 2031, submit to
5 the Committees on Energy and Commerce and on
6 Ways and Means of the House of Representatives
7 and the Committee on Finance of the Senate a re-
8 port on the results of the evaluation; and

9 (3) not later than April 30, 2031, publish the
10 results of the evaluation on the internet website of
11 the Department of Health and Human Services.

12 (e) GUIDANCE.—Not later than 180 days after the
13 date of the enactment of this Act, the Secretary shall issue
14 guidance regarding how the provisions of this section
15 should be carried out, including information regarding eli-
16 gible entities, allowable use of funds, and reporting re-
17 quirements.

18 (f) BEST PRACTICES.—The Secretary of Health and
19 Human Services, in cooperation with the Secretary of
20 Education, shall develop best practices for school officials
21 to use in discussing menstruation with students, and shall
22 publish this information on the internet website of the De-
23 partment of Health and Human Services.

24 (g) DEFINITIONS.—In this section:

1 (1) MENSTRUAL PRODUCTS.—The term “men-
2 strual products” means menstrual cups, menstrual
3 discs, menstrual underwear, and sanitary napkins
4 and tampons, that conform to applicable industry
5 standards.

6 (2) ELIGIBLE ENTITIES.—The term “eligible
7 entity” means a State or local governmental entity,
8 an Indian tribe or tribal organization (as defined in
9 section 4 of the Indian Self-Determination and Edu-
10 cation Assistance Act), or a nonprofit organization
11 described in section 501(c)(3) of the Internal Rev-
12 enue Code of 1986 and exempt from taxation under
13 section 501(a) of such Code that—

14 (A) has experience in the area of commu-
15 nity distributions of basic need services, includ-
16 ing experience collecting, warehousing, and dis-
17 tributing basic necessities such as diapers, food,
18 or menstrual products;

19 (B) demonstrates competency to implement
20 a project, provide fiscal accountability, collect
21 data, and prepare reports and other necessary
22 documentation; and

23 (C) demonstrates a willingness to share in-
24 formation with researchers, practitioners, and
25 other interested parties.

1 (3) STATE.—The term “State” has the mean-
2 ing given in section 1101(a)(1) of the Social Secu-
3 rity Act for purposes of title XX of such Act.

4 (h) LIMITATION ON AUTHORIZATION OF APPROPRIA-
5 TIONS.—For the administration of this section, there are
6 authorized to be appropriated to the Secretary of Health
7 and Human Services not more than \$6,000,000 for fiscal
8 years 2024 through 2027.

9 (i) EXEMPTION FROM SEQUESTRATION.—Funds
10 made available to carry out this section shall be exempt
11 from reduction under any order issued under the Balanced
12 Budget and Emergency Deficit Control Act of 1985.

13 **SEC. 11. MENSTRUAL PRODUCTS AND TAXATION.**

14 (a) IN GENERAL.—It shall be unlawful for a State,
15 or unit of local government of a State, to impose a tax
16 on the retail sale of a menstrual product.

17 (b) DEFINITIONS.—For purposes of this Act:

18 (1) MENSTRUAL PRODUCT.—The term “men-
19 strual products” means menstrual cups, menstrual
20 disks, menstrual underwear, and sanitary napkins
21 and tampons, that conform to applicable industry
22 standards.

23 (2) STATE.—The term “State” means any of
24 the several States or the District of Columbia.

1 (c) EFFECTIVE DATE.—This Act shall take effect
2 120 days after the date of the enactment of this Act.

3 **SEC. 12. MENSTRUAL PRODUCTS IN TANF.**

4 (a) IN GENERAL.—Section 403(a) of the Social Secu-
5 rity Act (42 U.S.C. 603(a)) is amended by adding at the
6 end the following:

7 “(6) GRANTS FOR MENSTRUAL PRODUCTS.—

8 “(A) IN GENERAL.—The Secretary may
9 make grants, on a competitive basis, for each
10 fiscal year to eligible applicants for the grants,
11 in such amounts as the Secretary deems appro-
12 priate to enable the eligible applicants to pro-
13 vide, to covered families that include an indi-
14 vidual who is capable of menstruating, such
15 benefits as are needed to ensure that the indi-
16 vidual can purchase menstrual products for per-
17 sonal use.

18 “(B) DEFINITIONS.—In subparagraph (A):

19 “(i) COVERED FAMILIES.—The term
20 ‘covered families’ means families eligible
21 for assistance under a State program fund-
22 ed under this part.

23 “(ii) ELIGIBLE APPLICANT.—The
24 term ‘eligible applicant’ means—

1 “(I) a State to which a grant is
2 made under paragraph (1) for a fiscal
3 year; and

4 “(II) a political subdivision of a
5 State that administers the State pro-
6 gram funded under this part in the
7 political subdivision.

8 “(iii) MENSTRUAL PRODUCTS.—The
9 term ‘menstrual products’ means men-
10 strual cups, menstrual discs, menstrual un-
11 derwear, and sanitary napkins and tam-
12 pons, that conform to applicable industry
13 standards.

14 “(C) CONSIDERATION OF APPLICATIONS.—
15 The Secretary shall award grants under this
16 paragraph on the basis of how effectively the
17 programs proposed by the eligible applicants
18 will help low-income individuals suffering from
19 material deprivation meet their need for men-
20 strual products.

21 “(D) ADMINISTRATION.—A State or polit-
22 ical subdivision to which a grant is made under
23 this paragraph may use the grant to provide
24 benefits under this paragraph in such form and

1 in such manner as the State or political subdivi-
2 sion deems appropriate.

3 “(E) TREATMENT OF ASSISTANCE.—Bene-
4 fits provided using funds made available under
5 this paragraph shall not be considered assist-
6 ance under any State program funded under
7 this part.

8 “(F) APPROPRIATION.—Out of any money
9 in the Treasury of the United States not other-
10 wise appropriated, there are appropriated for
11 fiscal year 2024 and each succeeding fiscal year
12 \$10,000,000 for grants under this paragraph.”.

13 (b) EVALUATIONS.—Section 413 of such Act (42
14 U.S.C. 613) is amended by redesignating subsection (h)
15 as subsection (i) and inserting after subsection (g) the fol-
16 lowing:

17 “(h) EVALUATIONS OF GRANTS FOR MENSTRUAL
18 PRODUCTS.—

19 “(1) IN GENERAL.—The Secretary shall submit
20 to the Congress reports, in writing, that evaluate the
21 effectiveness of the benefit program provided for in
22 section 403(a)(6). Each such report shall, for the
23 period covered by the report—

24 “(A) describe—

1 “(i) the extent of material deprivation
2 in the population, including lacking suffi-
3 cient funds to regularly purchase neces-
4 sities such as menstrual products; and

5 “(ii) the extent to which the program
6 alleviated such material deprivation;

7 “(B) specify the number and identity of
8 the entities to which a grant has been made
9 under such section, and the amount of the
10 grant made to each such entity;

11 “(C) describe how the grantees used the
12 grants to provide benefits under the program;

13 “(D) specify the number of individuals who
14 received the benefits;

15 “(E) describe how efficacious the program
16 has been in helping low-income individuals meet
17 their need for menstrual products;

18 “(F) describe the extent to which the pro-
19 gram has improved the economic security of the
20 benefit recipients; and

21 “(G) include such other relevant informa-
22 tion as the Secretary deems appropriate.

23 “(2) TIMING.—The Secretary shall submit a re-
24 port that meets the requirements of paragraph (1)

1 within 2 years after the date of the enactment of
2 this paragraph and every 2 years thereafter.”.

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