

119TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To amend the Food and Nutrition Act of 2008 to transition Puerto Rico to the supplemental nutrition assistance program, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mrs. GILLIBRAND (for herself and Mr. FETTERMAN) introduced the following bill; which was read twice and referred to the Committee on

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**A BILL**

To amend the Food and Nutrition Act of 2008 to transition Puerto Rico to 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Puerto Rico Nutrition  
5 Assistance Fairness Act”.

6 **SEC. 2. AMENDMENTS TO THE FOOD AND NUTRITION ACT**  
7 **OF 2008.**

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

1 (1) in subsection (r), by inserting “Puerto  
2 Rico,” after “Guam,”; and

3 (2) in subsection (u)(3), by striking subpara-  
4 graph (A) and inserting the following:

5 “(A) make cost adjustments in the thrifty  
6 food plan for Hawaii, the urban and rural parts  
7 of Alaska, and Puerto Rico to reflect the cost  
8 of food in Hawaii, the urban and rural parts of  
9 Alaska, and Puerto Rico, respectively;”.

10 (b) ELIGIBLE HOUSEHOLDS.—Section 5 of the Food  
11 and Nutrition Act of 2008 (7 U.S.C. 2014) is amended—

12 (1) in subsection (b), in the first sentence, by  
13 inserting “Puerto Rico,” after “Guam,”;

14 (2) in subsection (c)(1), by striking “and  
15 Guam” and inserting “Guam, and Puerto Rico”;  
16 and

17 (3) in subsection (e)—

18 (A) in paragraph (1)(A), by inserting  
19 “Puerto Rico,” after “Hawaii,” each place it  
20 appears; and

21 (B) in paragraph (6)(B), in the matter  
22 preceding clause (i), by inserting “Puerto  
23 Rico,” after “Guam,”.

1 **SEC. 3. SUBMISSION OF PLAN OF OPERATION; TECHNICAL**  
2 **ASSISTANCE; DETERMINATION AND CERTIFI-**  
3 **CATION BY SECRETARY OF AGRICULTURE.**

4 (a) SUBMISSION OF PLAN OF OPERATION.—On des-  
5 ignating an agency of the kind described in section 3(s)(1)  
6 of the Food and Nutrition Act of 2008 (7 U.S.C.  
7 2012(s)(1)), Puerto Rico shall have 180 days to submit  
8 to the Secretary of Agriculture (in this Act referred to  
9 as the “Secretary”) its plan of operation, including a plan  
10 to transition to the supplemental nutrition assistance pro-  
11 gram under section 4(a) of such Act (7 U.S.C. 2013(a))  
12 as a request to participate in the supplemental nutrition  
13 assistance program under such Act.

14 (b) TECHNICAL ASSISTANCE.—Within the 180-day  
15 period specified in subsection (a) and upon request from  
16 Puerto Rico, the Secretary shall provide appropriate train-  
17 ing and technical assistance to enable Puerto Rico to for-  
18 mulate a plan of operation described in subsection (a).

19 (c) DETERMINATION BY THE SECRETARY OF AGRI-  
20 CULTURE.—Not later than 180 days after receiving a plan  
21 of operation described in subsection (a), the Secretary  
22 shall approve the plan of operation if such plan satisfies  
23 the requirements for a supplemental nutrition assistance  
24 program State plan in accordance with subsections (d) and  
25 (e) of section 11 of the Food and Nutrition Act of 2008  
26 (7 U.S.C. 2020). If the Secretary does not approve such

1 plan, the Secretary shall provide, not later than 30 days  
2 after disapproval, a statement that specifies each of the  
3 requirements that were not satisfied by such plan.

4 (d) CERTIFICATION BY THE SECRETARY OF AGRICULTURE.—If the Secretary approves the plan submitted  
5 by Puerto Rico under subsection (a), the Secretary shall  
6 submit to the Congress, not later than 90 days thereafter,  
7 a certification that Puerto Rico qualifies to participate in  
8 the supplemental nutrition assistance program as a State  
9 as defined in section 3 of the Food and Nutrition Act of  
10 2008 (7 U.S.C. 2012).

12 **SEC. 4. TRANSITION FROM THE CONSOLIDATED BLOCK**  
13 **GRANT FOR PUERTO RICO.**

14 (a) COVERED PERIOD.—The Secretary may continue  
15 to implement the then most recent approved consolidated  
16 block grant specified in section 19(b)(1)(A) of the Food  
17 and Nutrition Act of 2008 (7 U.S.C. 2028(b)(1)(A)) for  
18 an implementation period ending 5 years after the effective  
19 date of the amendments made by this Act, or on the  
20 date the Secretary determines that Puerto Rico no longer  
21 needs to operate the consolidated block grant to complete  
22 the transition described in section 3(a), whichever occurs  
23 first.

24 (b) REPORT.—For each year a plan is continued  
25 under subsection (a), the Secretary shall submit to the

1 Congress an annual report on the operation of such plan.  
2 The Secretary shall include in such report information re-  
3 lated to increases in funding that are required to accom-  
4 modate the transition of Puerto Rico from the receipt of  
5 block grant payments to the implementation of supple-  
6 mental nutrition assistance program.

7 **SEC. 5. CONSOLIDATED BLOCK GRANT FOR PUERTO RICO**  
8 **AND AMERICAN SAMOA.**

9 Section 19 of the Food and Nutrition Act of 2008  
10 (7 U.S.C. 2028) is amended—

11 (1) in subsection (a)—

12 (A) in paragraph (1)(A), by inserting  
13 “until the end of the period described in section  
14 4(a) of the Puerto Rico Nutrition Assistance  
15 Fairness Act,” before “the Commonwealth”;

16 (B) in paragraph (2)—

17 (i) in subparagraph (A)—

18 (I) in clause (i), by striking  
19 “and” at the end, and

20 (II) in clause (ii)—

21 (aa) by inserting “ending at  
22 the end of the period described in  
23 section 4(a) of the Puerto Rico  
24 Nutrition Assistance Fairness  
25 Act” after “thereafter”;

1 (bb) by striking the period  
2 at the end and inserting “; and”;  
3 and

4 (cc) by adding at the end  
5 the following:

6 “(iii) subject to the availability of ap-  
7 propriations under section 18(a), for each  
8 fiscal year beginning after the end of the  
9 period described in section 4(a) of the  
10 Puerto Rico Nutrition Assistance Fairness  
11 Act, 0.4 percent of the aggregate amount  
12 specified in clause (i) and adjusted under  
13 clause (ii), as further adjusted by the per-  
14 centage by which the thrifty food plan has  
15 been adjusted under section 3(u)(3) be-  
16 tween June 30 of the penultimate fiscal  
17 year preceding such effective date and  
18 June 30 of the fiscal year for which the  
19 adjustment is made under this clause.”;

20 (ii) in subparagraph (B)(i), in the  
21 matter preceding subclause (I), by insert-  
22 ing “ending at the end of the period de-  
23 scribed in section 4(a) of the Puerto Rico  
24 Nutrition Assistance Fairness Act” after  
25 “thereafter”; and

1 (iii) in subparagraph (C)—

2 (I) by striking “For” and insert-  
3 ing the following:

4 “(i) IN GENERAL.—For”;

5 (II) in clause (i) (as so des-  
6 ignated), by inserting “ending at the  
7 end of the period described in section  
8 4(a) of the Puerto Rico Nutrition As-  
9 sistance Fairness Act” after “there-  
10 after”; and

11 (III) by adding at the end the  
12 following:

13 “(ii) FULL USE OF FUNDS.—For each  
14 fiscal year beginning after the end of the  
15 period described in section 4(a) of the  
16 Puerto Rico Nutrition Assistance Fairness  
17 Act, the Secretary shall use 100 percent of  
18 the funds made available under subpara-  
19 graph (A) for payment to American Samoa  
20 to pay 100 percent of the expenditures by  
21 American Samoa for a nutrition assistance  
22 program extended under section 601(c) of  
23 Public Law 96–597 (48 U.S.C.  
24 1469d(c)).”; and

1 (C) in paragraph (3), by inserting “until  
2 the end of the period described in section 4(a)  
3 of the Puerto Rico Nutrition Assistance Fair-  
4 ness Act,” before “pay to”; and

5 (2) in subsection (b)(1)(A), in the first sen-  
6 tence, by striking “In order to receive payments  
7 under this Act for any fiscal year” and inserting  
8 “Until the end of the period described in section  
9 4(a) of the Puerto Rico Nutrition Assistance Fair-  
10 ness Act, to receive payments under this Act for a  
11 fiscal year”.

12 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

13 There are authorized to be appropriated to carry out  
14 this Act such sums as may be necessary until the end of  
15 the period described in section 4(a).

16 **SEC. 7. EFFECTIVE DATES.**

17 (a) IN GENERAL.—Except as provided in subsection  
18 (b), this Act shall take effect on the date of the enactment  
19 of this Act.

20 (b) EFFECTIVE DATE OF AMENDMENTS.—The  
21 amendments made by this Act shall take effect on the date  
22 that is 10 years after the date of the enactment of this  
23 Act.