

117<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 5220

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

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 10, 2021

Miss GONZÁLEZ-COLÓN (for herself, Mr. MCGOVERN, Mrs. HAYES, and Mr. SOTO) introduced the following bill; which was referred to the Committee on Agriculture

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## A BILL

To amend the Food and Nutrition Act of 2008 to transition the Commonwealth of 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 of 2021”.

6 **SEC. 2. AMENDMENT.**

7 Section 19 of the Food and Nutrition Act of 2008  
8 (7 U.S.C. 2028) is amended by adding at the end the fol-  
9 lowing:

1       “(f) ADVISORY BOARD ON TRANSITION OF THE COM-  
2 MONWEALTH OF PUERTO RICO TO THE SUPPLEMENTAL  
3 NUTRITION ASSISTANCE PROGRAM.—

4               “(1) ESTABLISHMENT OF ADVISORY BOARD.—

5       Not later than 60 days after the effective date of  
6       this section, the Secretary shall establish an advisory  
7       board to formulate a recommended State plan that  
8       includes a plan to transition the Commonwealth of  
9       Puerto Rico from receipt of block grant payments  
10      under subsection (a)(2) to participate as a State in  
11      the supplemental nutrition assistance program.

12              “(2) MEMBERSHIP OF ADVISORY BOARD.—The  
13      advisory board shall be composed of not more than  
14      15 members of whom—

15                      “(A) not fewer than 6 members shall be  
16                      appointed from among employees of the Food  
17                      and Nutrition Service at the Department of Ag-  
18                      riculture; and

19                      “(B) not fewer than 6 members shall be  
20                      appointed from the Puerto Rico Department of  
21                      the Family, including the Administrator of the  
22                      Administration for the Socioeconomic Develop-  
23                      ment of the Family.

24              “(3) TECHNICAL ASSISTANCE.—The advisory  
25      board shall advise the Commonwealth of Puerto Rico

1 and provide technical assistance related to the for-  
2 mulation of a recommended State plan described in  
3 paragraph (4) that includes a plan for transition to  
4 the supplemental nutrition assistance program by  
5 the Commonwealth, including the following:

6 “(A) The State options under such pro-  
7 gram that are most suitable for the Common-  
8 wealth to elect to best respond to the nutrition  
9 need present in the Commonwealth.

10 “(B) Policy changes the Commonwealth  
11 will be required to make to implement such pro-  
12 gram.

13 “(C) Changes in current eligibility require-  
14 ments (including income limits) in effect under  
15 the other provisions of this section that would  
16 be required under such program.

17 “(D) Technical requirements and expenses  
18 required to implement such program.

19 “(E) Administrative costs related to pro-  
20 gram operations.

21 “(4) STATE PLAN.—The advisory board shall  
22 prepare and submit to the Governor of Puerto Rico,  
23 not later than 1 year after the effective date of this  
24 subsection, a recommended State plan that includes  
25 a plan to transition the Commonwealth of Puerto

1 Rico from receipt of block grant payments under  
2 subsection (a)(2) to participation as a State in the  
3 supplemental nutrition assistance program. The ad-  
4 visory board shall notify the Secretary of this action.

5 “(5) SUBMISSION OF THE STATE PLAN BY THE  
6 COMMONWEALTH OF PUERTO RICO.—The Governor  
7 of the Commonwealth of Puerto Rico may submit  
8 the recommended State plan described under para-  
9 graph (3) of this Act to the Secretary within 60  
10 days of its completion as a request to participate in  
11 the supplemental nutrition program.

12 “(6) DETERMINATION BY SECRETARY.—The  
13 Secretary may approve the recommended State plan  
14 described under paragraph (3) and submitted by the  
15 Governor of Puerto Rico under paragraph (5) of this  
16 Act, if such plan satisfies the requirements for a  
17 supplemental nutrition assistance State plan, accord-  
18 ing to section 11(e). If the Secretary does not ap-  
19 prove such plan, the Secretary shall provide a state-  
20 ment that specifies each of such requirements that  
21 is not satisfied by the plan.

22 “(7) COMMENT PERIOD.—The Secretary shall  
23 provide a 30-day comment period to receive com-  
24 ments from the public on the recommended State  
25 plan.

1           “(8) SUBMISSION OF STATE PLAN TO THE CON-  
2           GRESS.—If the Secretary approves the plan sub-  
3           mitted by the Commonwealth of Puerto Rico under  
4           paragraph (6), and after the conclusion of the com-  
5           ment period described in paragraph (7), then the  
6           Secretary shall submit to Congress a certification  
7           that Puerto Rico qualifies to participate in the sup-  
8           plemental nutrition assistance program as if Puerto  
9           Rico were a State under section 3.

10           “(9) TERMINATION OF THE ADVISORY  
11           BOARD.—The advisory board shall terminate not  
12           later than 2 years after Puerto Rico is treated as if  
13           it were a State as defined in section 3.”.

14 **SEC. 3. PARTICIPATION OF PUERTO RICO IN THE SUPPLE-**  
15 **MENTAL NUTRITION ASSISTANCE PROGRAM.**

16           (a) DEFINITIONS.—Following certification of Puerto  
17           Rico as qualified to participate in the supplemental nutri-  
18           tion assistance program by the Secretary, section 3 of the  
19           Food and Nutrition Act of 2008 (7 U.S.C. 2012) is  
20           amended—

21           (1) in subsection (r) by inserting the “Common-  
22           wealth of Puerto Rico,” after “Guam,”; and

23           (2) in subsection (u)(3) by inserting the “Com-  
24           monwealth of Puerto Rico,” after “Guam,”.

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

3 (1) in subsection (b) in the first sentence, by in-  
4 sserting “the Commonwealth of Puerto Rico,” after  
5 “Guam,”;

6 (2) in subsection (c)(1) by striking “and  
7 Guam” and inserting “Guam, and Puerto Rico,”  
8 and

9 (3) in subsection (e)—

10 (A) in paragraph (1)(A) by inserting  
11 “Puerto Rico,” after “Hawaii,” each place it  
12 appears; and

13 (B) in paragraph (6)(B) by inserting  
14 “Puerto Rico,” after “Guam,”.

15 (c) CONSOLIDATED BLOCK GRANT FOR PUERTO  
16 RICO.—Upon approval of Puerto Rico operating the sup-  
17 plemental nutrition assistance program, the Secretary may  
18 have 5 years to continue the latest approved plan sub-  
19 mitted under the consolidated block grant in accordance  
20 with Section 19 (3)(b)(1)(A) of the Food and Nutrition  
21 Act of 2008 (7 U.S.C. 2028(3)(b)(1)(A)).

22 (d) REPORT.—The Secretary shall submit an annual  
23 report to the Committee on Agriculture of the House of  
24 representatives and the Committee on Senate Committee  
25 on Agriculture, Nutrition and Forestry on the operation

1 of the plan described in subsection (c), including their jus-  
2 tification and impact on beneficiaries in Puerto Rico, until  
3 the 5 years expire.

4 (e) AMENDMENTS TO THE FOOD AND NUTRITION  
5 ACT OF 2008.—Following certification under section  
6 19(a) of the Food and Nutrition Act of 2008 (7 U.S.C.  
7 2028(a)) will be amended to no longer include Puerto Rico  
8 as a Government entity, as defined in subsection (a).

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