

117TH CONGRESS
2D SESSION

S. 4967

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.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 27, 2022

Mrs. GILLIBRAND (for herself, Mr. SCHUMER, Mr. SANDERS, Mr. MENENDEZ, Mr. BOOKER, Mr. BLUMENTHAL, and Ms. WARREN) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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 2022”.

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

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 (r) by inserting “Puerto
6 Rico,” after “Guam,” and

7 (2) in subsection (u)(2) by inserting “, Puerto
8 Rico,” after “Hawaii”.

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

11 (1) in subsection (b) by inserting “Puerto
12 Rico,” after “Guam,”

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

16 (3) in subsection (e)—

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

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

22 **SEC. 3. SUBMISSION OF PLAN OF OPERATION; TECHNICAL**
23 **ASSISTANCE; DETERMINATION AND CERTIFI-**
24 **CATION BY SECRETARY OF AGRICULTURE.**

25 (a) SUBMISSION OF PLAN OF OPERATION.—On des-
26 ignating an agency of the kind described in section 3(s)(1)

1 of the Food and Nutrition Act of 2008 (7 U.S.C.
2 2012(s)(1)), the Commonwealth of Puerto Rico shall have
3 60 days to submit to the Secretary of Agriculture (in this
4 Act referred to as the “Secretary”) its plan of operation,
5 including a plan to transition to the supplemental nutri-
6 tion assistance program under section 4(a) of such Act
7 (7 U.S.C. 5(a)) as a request to participate in the supple-
8 mental nutrition assistance program under of the Food
9 and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

10 (b) TECHNICAL ASSISTANCE.—Within the 60-day pe-
11 riod specified in subsection (a) and upon request from the
12 Commonwealth of Puerto Rico, the Secretary shall provide
13 appropriate training and technical assistance to enable the
14 Commonwealth of Puerto Rico to formulate a plan of oper-
15 ation described in subsection (a).

16 (c) DETERMINATION BY THE SECRETARY OF AGRI-
17 CULTURE.—Not later than 180 days after receiving a plan
18 of operation described in subsection (a), the Secretary
19 shall approve if such plan satisfies the requirements for
20 a supplemental nutrition assistance program State plan
21 in accordance with subsections (d) and (e) of section 11
22 of the Food and Nutrition Act of 2008 (7 U.S.C. 2020).
23 If the Secretary does not approve such plan, the Secretary
24 shall provide, not later than 30 days after disapproval, a

1 statement that specifies each of the requirements that
 2 were not satisfied by such plan.

3 (d) CERTIFICATION BY THE SECRETARY OF AGRI-
 4 CULTURE.—If the Secretary approves the plan submitted
 5 by the Commonwealth of Puerto Rico under subsection
 6 (a), the Secretary shall submit to the Congress, not later
 7 than 60 days thereafter, a certification that the Common-
 8 wealth of Puerto Rico qualifies to participate in the sup-
 9 plemental nutrition assistance program as a State as de-
 10 fined in section 3(r) of the Food and Nutrition Act of
 11 2008 (7 U.S.C. 2012(r)).

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 a period ending no later than 5 years after the effective
 19 date of the amendments made by this Act, or on the date
 20 the Secretary determines that the Commonwealth of Puer-
 21 to Rico no longer needs to operate the consolidated block
 22 grant to complete the transition described in section 3(a),
 23 whichever occurs 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 the Commonwealth of Puerto
 5 Rico from the receipt of block grant payments to the im-
 6 plementation of supplemental nutrition assistance pro-
 7 gram.

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

10 Section 19 of the Food and Nutrition Act of 2008
 11 (7 U.S.C. 2028) is amended—

12 (1) in subsection (a)—

13 (A) in paragraph (1)(A) by inserting “until
 14 the Secretary terminates the implementation of
 15 the plan under section 4(a) of the Puerto Rico
 16 Nutrition Assistance Fairness Act of 2022,”
 17 after “(A)”,

18 (B) in paragraph (2)—

19 (i) in subparagraph (A)—

20 (I) in clause (i) by striking
 21 “and” at the end, and

22 (II) in clause (ii)—

23 (aa) by inserting “, and end-
 24 ing on the date the Secretary ter-
 25 minates the implementation of

1 the plan under section 4(a) of the
2 Puerto Rico Nutrition Assistance
3 Fairness Act of 2022” after
4 “thereafter”,

5 (bb) by striking the period
6 at the end and inserting “; and”,
7 and

8 (cc) by adding at the end
9 the following:

10 “(iii) subject to the availability of ap-
11 propriations under section 18(a), for each
12 fiscal year beginning after the Secretary
13 terminates the implementation of the plan
14 under section 4(a) of the Puerto Rico Nu-
15 trition Assistance Fairness Act of 2022,
16 0.4 percent of the aggregate amount speci-
17 fied in clause (i) and adjusted under clause
18 (ii), as further adjusted by the percentage
19 by which the thrifty food plan has been ad-
20 justed under section 3(u)(4) between June
21 30 of the penultimate fiscal year preceding
22 such effective date and June 30 of the fis-
23 cal year for which the adjustment is made
24 under this clause.”,

(ii) in subparagraph (B)(i) by inserting “ending on the date the Secretary terminates the implementation of the plan under section 4(a) of the Puerto Rico Nutrition Assistance Fairness Act of 2022” after “thereafter”, and

(iii) in subparagraph (C)—

(I) by striking “For” and inserting the following:

“(i) FOR.—”,

(II) by inserting “ending on the date the Secretary terminates the implementation of the plan under section 4(a) of the Puerto Rico Nutrition Assistance Fairness Act of 2022” after “thereafter”, and

(III) by adding at the end, the following:

“(ii) For each fiscal year beginning after the Secretary terminates the implementation of the plan under section 4(a) of the Puerto Rico Nutrition Assistance Fairness Act of 2022, the Secretary shall use 100 percent of the funds made available under subparagraph (A) for payment to American Samoa to pay 100 per-

cent of the expenditures by American Samoa for a nutrition assistance program extended under section 601(c) of Public Law 96–597 (48 U.S.C. 1469d(c)).”, and

(C) in paragraph (3) by striking “year,” and inserting “year ending on the date the Secretary terminates the implementation of the plan under section 4(a) of the Puerto Rico Nutrition Assistance Fairness Act of 2022, and” after “year”, and

(2) in subsection (b)(1)(A) by inserting “and ending on the date the Secretary terminates the implementation of the plan under section 4(a) of the Puerto Rico Nutrition Assistance Fairness Act of 2022” after “year” the first place it appears.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act such sums as may be necessary until the Secretary terminates the implementation of the plan described on section 4(a) of the Puerto Rico Nutrition Assistance Fairness Act of 2022.

SEC. 7. EFFECTIVE DATES.

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

1 (b) EFFECTIVE DATE OF AMENDMENTS.—The
2 amendments made by this Act shall take effect on October
3 1 of the 1st fiscal year that begins 1 year after the Sec-
4 retary submits to Congress the certification described in
5 section 3(d) of this Act.

