

118TH CONGRESS
1ST SESSION

H. R. 253

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 HOUSE OF REPRESENTATIVES

JANUARY 10, 2023

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

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”.

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)(2) by inserting “, Puerto
4 Rico,” after “Hawaii”.

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

7 (1) in subsection (b) by inserting “Puerto
8 Rico,” after “Guam,”

9 (2) in subsection (c)(1) by striking “and
10 Guam” and inserting “Guam, and Puerto Rico”,
11 and

12 (3) in subsection (e)—

13 (A) in paragraph (1)(A) by inserting
14 “Puerto Rico,” after “Hawaii,” each place it
15 appears, and

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

18 **SEC. 3. SUBMISSION OF PLAN OF OPERATION; TECHNICAL**
19 **ASSISTANCE; DETERMINATION AND CERTIFI-**
20 **CATION BY SECRETARY OF AGRICULTURE.**

21 (a) SUBMISSION OF PLAN OF OPERATION.—On des-
22 ignating an agency of the kind described in section 3(s)(1)
23 of the Food and Nutrition Act of 2008 (7 U.S.C.
24 2012(s)(1)), the Commonwealth of Puerto Rico shall have
25 60 days to submit to the Secretary of Agriculture (in this

1 Act referred to as the “Secretary”) its plan of operation,
2 including a plan to transition to the supplemental nutri-
3 tion assistance program under section 4(a) of such Act
4 (7 U.S.C. 5(a)) as a request to participate in the supple-
5 mental nutrition assistance program under of the Food
6 and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

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

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

24 (d) CERTIFICATION BY THE SECRETARY OF AGRI-
25 CULTURE.—If the Secretary approves the plan submitted

1 by the Commonwealth of Puerto Rico under subsection
2 (a), the Secretary shall submit to the Congress, not later
3 than 60 days thereafter, a certification that the Common-
4 wealth of Puerto Rico qualifies to participate in the sup-
5 plemental nutrition assistance program as a State as de-
6 fined in section 3(r) of the Food and Nutrition Act of
7 2008 (7 U.S.C. 2012(r)).

8 **SEC. 4. TRANSITION FROM THE CONSOLIDATED BLOCK**
9 **GRANT FOR PUERTO RICO.**

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

20 (b) REPORT.—For each year a plan is continued
21 under subsection (a), the Secretary shall submit to the
22 Congress an annual report on the operation of such plan.
23 The Secretary shall include in such report information re-
24 lated to increases in funding that are required to accom-
25 modate the transition of the Commonwealth of Puerto

1 Rico from the receipt of block grant payments to the im-
2 plementation of supplemental nutrition assistance pro-
3 gram.

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

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

8 (1) in subsection (a)—

9 (A) in paragraph (1)(A) by inserting “until
10 the end of the period described in section 4(a)
11 of the Puerto Rico Nutrition Assistance Fair-
12 ness Act,” after “(A)”,

13 (B) in paragraph (2)—

14 (i) in subparagraph (A)—

15 (I) in clause (i) by striking
16 “and” at the end, and

17 (II) in clause (ii)—

18 (aa) by inserting “, and end-
19 ing at the end of the period de-
20 scribed in section 4(a) of the
21 Puerto Rico Nutrition Assistance
22 Fairness Act” after “thereafter”,

23 (bb) by striking the period
24 at the end and inserting “; and”,
25 and

1 (cc) by adding at the end
2 the following:

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

17 (ii) in subparagraph (B)(i) by insert-
18 ing “ending at the end of the period de-
19 scribed in section 4(a) of the Puerto Rico
20 Nutrition Assistance Fairness Act” after
21 “thereafter”, and

22 (iii) in subparagraph (C)—

23 (I) by striking “For” and insert-
24 ing the following:

25 “(i) For”,

1 (II) by inserting “ending at the
2 end of the period described in section
3 4(a) of the Puerto Rico Nutrition As-
4 sistance Fairness Act” after “there-
5 after”, and

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

8 “(ii) For each fiscal year beginning
9 after the end of the period described in
10 section 4(a) of the Puerto Rico Nutrition
11 Assistance Fairness Act, the Secretary
12 shall use 100 percent of the funds made
13 available under subparagraph (A) for pay-
14 ment to American Samoa to pay 100 per-
15 cent of the expenditures by American
16 Samoa for a nutrition assistance program
17 extended under section 601(e) of Public
18 Law 96–597 (48 U.S.C. 1469d(e)).”, and

19 (C) in paragraph (3) by striking “year,”
20 and inserting “year ending at the end of the pe-
21 riod described in section 4(a) of the Puerto
22 Rico Nutrition Assistance Fairness Act, and”
23 after “year”, and

24 (2) in subsection (b)(1)(A) by inserting “and
25 ending at the end of the period described in section

1 4(a) of the Puerto Rico Nutrition Assistance Fair-
2 ness Act” after “year” the first place it appears.

3 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

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

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

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

11 (b) EFFECTIVE DATE OF AMENDMENTS.—The
12 amendments made by this Act shall take effect on October
13 1 of the 1st fiscal year that begins 1 year after the Sec-
14 retary submits to Congress the certification described in
15 section 3(d) of this Act.

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