

118TH CONGRESS  
1ST SESSION

# S. 949

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 SENATE OF THE UNITED STATES

MARCH 22, 2023

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

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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 2023”.

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. 2013(a)) as a request to participate in the sup-  
8 plemental nutrition assistance program under 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 AGRICULTURE.—If the Secretary approves the plan submitted  
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 end of the period described in section 4(a)  
15 of the Puerto Rico Nutrition Assistance Fair-  
16 ness Act of 2023,” after “(A)”,

17 (B) in paragraph (2)—

18 (i) in subparagraph (A)—

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

21 (II) in clause (ii)—

22 (aa) by inserting “, until the  
23 end of the period described in  
24 section 4(a) of the Puerto Rico

1 Nutrition Assistance Fairness  
2 Act of 2023” after “thereafter”,

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

6 (cc) by adding at the end  
7 the following:

8 “(iii) subject to the availability of ap-  
9 propriations under section 18(a), for each  
10 fiscal year beginning after the end of the  
11 period described in section 4(a) of the  
12 Puerto Rico Nutrition Assistance Fairness  
13 Act of 2023, 0.4 percent of the aggregate  
14 amount specified in clause (i) and adjusted  
15 under clause (ii), as further adjusted by  
16 the percentage by which the thrifty food  
17 plan has been adjusted under section  
18 3(u)(4) between June 30 of the penul-  
19 timate fiscal year preceding such effective  
20 date and June 30 of the fiscal year for  
21 which the adjustment is made under this  
22 clause.”,

23 (ii) in subparagraph (B)(i) by insert-  
24 ing “until the end of the period described  
25 in section 4(a) of the Puerto Rico Nutri-

1 tion Assistance Fairness Act of 2023”  
2 after “thereafter”, and

3 (iii) in subparagraph (C)—

4 (I) by striking “For” and insert-  
5 ing the following:

6 “(i) For”,

7 (II) by inserting “until the end of  
8 the period described in section 4(a) of  
9 the Puerto Rico Nutrition Assistance  
10 Fairness Act of 2023” after “there-  
11 after”, and

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

14 “(ii) For each fiscal year beginning  
15 after the end of the period described in  
16 section 4(a) of the Puerto Rico Nutrition  
17 Assistance Fairness Act of 2023, the Sec-  
18 retary shall use 100 percent of the funds  
19 made available under subparagraph (A) for  
20 payment to American Samoa to pay 100  
21 percent of the expenditures by American  
22 Samoa for a nutrition assistance program  
23 extended under section 601(e) of Public  
24 Law 96–597 (48 U.S.C. 1469d(e)).”, and

1 (C) in paragraph (3) by striking “year,”  
 2 and inserting “year, until the end of the period  
 3 described in section 4(a) of the Puerto Rico  
 4 Nutrition Assistance Fairness Act of 2023,  
 5 and” after “year”, and

6 (2) in subsection (b)(1)(A) by inserting “until  
 7 the end of the period described in section 4(a) of the  
 8 Puerto Rico Nutrition Assistance Fairness Act of  
 9 2023” after “year” the first place it appears.

10 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

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

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

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

18 (b) EFFECTIVE DATE OF AMENDMENTS.—The  
 19 amendments made by this Act shall take effect on October  
 20 1 of the 1st fiscal year that begins 1 year after the Sec-  
 21 retary submits to Congress the certification described in  
 22 section 3(d).

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