

117TH CONGRESS  
2D SESSION

# H. R. 8495

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

JULY 26, 2022

Miss GONZÁLEZ-COLÓN (for herself, Mrs. RADEWAGEN, Mr. SOTO, Ms. HOULAHAN, and Mr. MCGOVERN) 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 2022”.

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 Secretary terminates the implementation of  
11 the plan under section 4(a) of the Puerto Rico  
12 Nutrition Assistance Fairness Act of 2022,”  
13 after “(A)”,

14 (B) in paragraph (2)—

15 (i) in subparagraph (A)—

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

18 (II) in clause (ii)—

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

21 (ii) in subparagraph (B)(i) by insert-  
22 ing “ending on the date the Secretary ter-  
23 minates the implementation of the plan  
24 under section 4(a) of the Puerto Rico Nu-

trition 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 percent of the expenditures by American Samoa for a nutrition assistance program extended under

1 section 601(c) of Public Law 96–597 (48  
2 U.S.C. 1469d(c)).”, and

3 (C) in paragraph (3) by striking “year,”  
4 and inserting “year ending on the date the Sec-  
5 retary terminates the implementation of the  
6 plan under section 4(a) of the Puerto Rico Nu-  
7 trition Assistance Fairness Act of 2022, and”  
8 after “year”, and

9 (2) in subsection (b)(1)(A) by inserting “and  
10 ending on the date the Secretary terminates the im-  
11 plementation of the plan under section 4(a) of the  
12 Puerto Rico Nutrition Assistance Fairness Act of  
13 2022” after “year” the first place it appears.

14 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

15 There are authorized to be appropriated to carry out  
16 this Act such sums as may be necessary until the Sec-  
17 retary terminates the implementation of the plan de-  
18 scribed on section 4(a) of the Puerto Rico Nutrition As-  
19 sistance Fairness Act of 2022.

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

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

24 (b) EFFECTIVE DATE OF AMENDMENTS.—The  
25 amendments made by this Act shall take effect on October



1 1 of the 1st fiscal year that begins 1 year after the Sec-  
2 retary submits to Congress the certification described in  
3 section 3(d) of this Act.

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