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119TH CONGRESS
2D SESSION

S. 3958

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

IN THE SENATE OF THE UNITED STATES

MARCH 2, 2026

Mrs. GILLIBRAND (for herself, Mr. FETTERMAN, Mr. LUJÁN, Mr. PADILLA, Mr. SCHUMER, Mr. WARNOCK, Mr. MURPHY, Mr. KAINE, Mr. BOOKER, Mr. WELCH, Mr. BLUMENTHAL, Mr. MARKEY, and Mr. SANDERS) 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 Puerto Rico to the supplemental nutrition assistance program, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Puerto Rico Nutrition Assistance Fairness Act''.

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

(a) DEFINITIONS.—Section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012) is amended—

(1) in subsection (r), by inserting ''Puerto Rico,'' after ''Guam,''; and

(2) in subsection (u)(3), by striking subparagraph (A) and inserting the following:

''(A) make cost adjustments in the thrifty food plan for Hawaii, the urban and rural parts of Alaska, and Puerto Rico to reflect the cost of food in Hawaii, the urban and rural parts of Alaska, and Puerto Rico, respectively;''.

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

(1) in subsection (b), in the first sentence, by inserting ''Puerto Rico,'' after ''Guam,'';

(2) in subsection (c)(1), by striking ''and Guam'' and inserting ''Guam, and Puerto Rico''; and

(3) in subsection (e)—

(A) in paragraph (1)(A), by inserting ''Puerto Rico,'' after ''Hawaii,'' each place it appears; and

(B) in paragraph (6)(B), in the matter preceding clause (i), by inserting ''Puerto Rico,'' after ''Guam,''.

SEC. 3. SUBMISSION OF PLAN OF OPERATION; TECHNICAL ASSISTANCE; DETERMINATION AND CERTIFICATION BY SECRETARY OF AGRICULTURE.

(a) SUBMISSION OF PLAN OF OPERATION.—On designating an agency of the kind described in section 3(s)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(s)(1)), Puerto Rico shall have 180 days to submit to the Secretary of Agriculture (in this Act referred to as the ''Secretary'') its plan of operation, including a plan to transition to the supplemental nutrition assistance program under section 4(a) of such Act (7 U.S.C. 2013(a)) as a request to participate in the supplemental nutrition assistance program under such Act.

(b) TECHNICAL ASSISTANCE.—Within the 180-day period specified in subsection (a) and upon request from Puerto Rico, the Secretary shall provide appropriate training and technical assistance to enable Puerto Rico to formulate a plan of operation described in subsection (a).

(c) DETERMINATION BY THE SECRETARY OF AGRICULTURE.—Not later than 180 days after receiving a plan of operation described in subsection (a), the Secretary shall approve the plan of operation if such plan satisfies

the requirements for a supplemental nutrition assistance program State plan in accordance with subsections (d) and (e) of section 11 of the Food and Nutrition Act of 2008 (7 U.S.C. 2020). If the Secretary does not approve such plan, the Secretary shall provide, not later than 30 days after disapproval, a statement that specifies each of the requirements that were not satisfied by such plan.

(d) CERTIFICATION BY THE SECRETARY OF AGRICULTURE.—If the Secretary approves the plan submitted by Puerto Rico under subsection (a), the Secretary shall submit to the Congress, not later than 90 days thereafter, a certification that Puerto Rico qualifies to participate in the supplemental nutrition assistance program as a State as defined in section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012).

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

(a) COVERED PERIOD.—The Secretary may continue to implement the then most recent approved consolidated block grant specified in section 19(b)(1)(A) of the Food and Nutrition Act of 2008 (7 U.S.C. 2028(b)(1)(A)) for an implementation period ending 5 years after the effective date of the amendments made by this Act, or on the date the Secretary determines that Puerto Rico no longer needs to operate the consolidated block grant to complete

the transition described in section 3(a), whichever occurs first.

(b) REPORT.—For each year a plan is continued under subsection (a), the Secretary shall submit to the Congress an annual report on the operation of such plan. The Secretary shall include in such report information related to increases in funding that are required to accommodate the transition of Puerto Rico from the receipt of block grant payments to the implementation of supplemental nutrition assistance program.

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

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

(1) in subsection (a)—

(A) in paragraph (1)(A), by inserting ''until the end of the period described in section 4(a) of the Puerto Rico Nutrition Assistance Fairness Act,'' before ''the Commonwealth'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clause (i), by striking ''and'' at the end, and

(II) in clause (ii)—

(aa) by inserting ''ending at the end of the period described in section 4(a) of the Puerto Rico Nutrition Assistance Fairness Act'' after ''thereafter'';

(bb) by striking the period at the end and inserting ''; and''; and

(cc) by adding at the end the following:

''(iii) subject to the availability of appropriations under section 18(a), for each fiscal year beginning after the end of the period described in section 4(a) of the Puerto Rico Nutrition Assistance Fairness Act, 0.4 percent of the aggregate amount specified in clause (i) and adjusted under clause (ii), as further adjusted by the percentage by which the thrifty food plan has been adjusted under section 3(u)(3) between June 30 of the penultimate fiscal year preceding such effective date and June 30 of the fiscal year for which the adjustment is made under this clause.'';

(ii) in subparagraph (B)(i), in the matter preceding subclause (I), by inserting ''ending at the end of the period described in section 4(a) of the Puerto Rico Nutrition Assistance Fairness Act'' after ''thereafter''; and

(iii) in subparagraph (C)—

(I) by striking ''For'' and inserting the following:

''(i) IN GENERAL.—For'';

(II) in clause (i) (as so designated), by inserting ''ending at the end of the period described in section 4(a) of the Puerto Rico Nutrition Assistance Fairness Act'' after ''thereafter''; and

(III) by adding at the end the following:

''(ii) FULL USE OF FUNDS.—For each fiscal year beginning after the end of the period described in section 4(a) of the Puerto Rico Nutrition Assistance Fairness Act, 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 section 601(c) of Public Law 96–597 (48 U.S.C. 1469d(c)).''; and

(C) in paragraph (3), by inserting ''until the end of the period described in section 4(a) of the Puerto Rico Nutrition Assistance Fairness Act,'' before ''pay to''; and

(2) in subsection (b)(1)(A), in the first sentence, by striking ''In order to receive payments under this Act for any fiscal year'' and inserting ''Until the end of the period described in section 4(a) of the Puerto Rico Nutrition Assistance Fairness Act, to receive payments under this Act for a fiscal year''.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

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

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.

(b) EFFECTIVE DATE OF AMENDMENTS.—The amendments made by this Act shall take effect on the date that is 10 years after the date of the enactment of this Act.

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