

119TH CONGRESS  
1ST SESSION

# H. R. 5168

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

SEPTEMBER 8, 2025

Mr. HERNÁNDEZ (for himself, Mr. BACON, Mr. MCGOVERN, Mr. LAWLER, Mr. SOTO, Mr. FITZPATRICK, Ms. VELÁZQUEZ, Ms. SALAZAR, and Ms. HOULAHAN) 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”.

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  
3 180 days to submit to the Secretary of Agriculture (in  
4 this Act referred to as the “Secretary”) its plan of oper-  
5 ation, including a plan to transition to the supplemental  
6 nutrition assistance program under section 4(a) of such  
7 Act (7 U.S.C. 2013(a)) as a request to participate in the  
8 supplemental nutrition assistance program under such  
9 Act.

10 (b) TECHNICAL ASSISTANCE.—Within the 180-day  
11 period specified in subsection (a) and upon request from  
12 the Commonwealth of Puerto Rico, the Secretary shall  
13 provide appropriate training and technical assistance to  
14 enable the Commonwealth of Puerto Rico to formulate a  
15 plan of operation 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 90 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 an implementation period ending 5 years after the effec-  
 19 tive date of the amendments made by this Act, or on the  
 20 date the Secretary determines that the Commonwealth of  
 21 Puerto Rico no longer needs to operate the consolidated  
 22 block grant to complete the transition described in section  
 23 3(a), 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,” 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 “, and end-  
 23 ing at the end of the period de-  
 24 scribed in section 4(a) of the

1 Puerto Rico Nutrition Assistance  
2 Fairness Act” 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, 0.4 percent of the aggregate amount  
14 specified in clause (i) and adjusted under  
15 clause (ii), as further adjusted by the per-  
16 centage by which the thrifty food plan has  
17 been adjusted under section 3(u)(4) be-  
18 tween June 30 of the penultimate fiscal  
19 year preceding such effective date and  
20 June 30 of the fiscal year for which the  
21 adjustment is made under this clause.”,

22 (ii) in subparagraph (B)(i) by insert-  
23 ing “ending at the end of the period de-  
24 scribed 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) For”,

(II) 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) 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

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

6 (2) in subsection (b)(1)(A) by inserting “and  
7 ending at the end of the period described in section  
8 4(a) of the Puerto Rico Nutrition Assistance Fair-  
9 ness Act” 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 the date  
20 that is 10 years after the date of the enactment of this  
21 Act.

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