

112TH CONGRESS
2D SESSION

H. R. 4280

To amend the Food and Nutrition Act of 2008 to provide that Puerto Rico may be treated in the same manner as the several States for the purpose of carrying out the supplemental nutrition assistance program under such Act.

IN THE HOUSE OF REPRESENTATIVES

MARCH 28, 2012

Mr. PIERLUISI (for himself, Mr. SERRANO, Mr. FARR, Mr. BACA, Mr. RANGEL, Mr. TOWNS, Ms. NORTON, Mr. FALEOMAVAEGA, Mrs. CHRISTENSEN, Ms. LEE of California, Ms. BORDALLO, and Mr. GRIJALVA) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Food and Nutrition Act of 2008 to provide that Puerto Rico may be treated in the same manner as the several States for the purpose of carrying out the supplemental nutrition assistance program under such Act.

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 Supple-
5 mental Nutrition Assistance Program Restoration Act of
6 2012”.

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 (s) by inserting “Puerto
6 Rico,” after “Guam,” and

7 (2) in subsection (u)(3) by inserting “Puerto
8 Rico,” after “Guam,”.

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 (c) CONSOLIDATED BLOCK GRANTS.—Section 19 of
23 the Food and Nutrition Act of 2008 (7 U.S.C. 2028) is
24 amended—

25 (1) in subsection (a)—

1 (A) in paragraph (1)(A) by inserting “until
2 the effective date of the amendments made by
3 the Puerto Rico Supplemental Nutrition Assist-
4 ance Program Restoration Act of 2012,” after
5 “(A)”,

6 (B) in paragraph (2)—

7 (i) in subparagraph (A)—

8 (I) in clause (i) by striking
9 “and” at the end, and

10 (II) in clause (ii)—

11 (aa) by inserting “ending
12 before the effective date of the
13 amendments made by the Puerto
14 Rico Supplemental Nutrition As-
15 sistance Program Restoration
16 Act of 2012” after “thereafter”,

17 (bb) by striking the period
18 at the end and inserting “; and”,
19 and

20 (cc) by adding at the end
21 the following:

22 “(iii) subject to the availability of ap-
23 propriations under section 18(a), for each
24 fiscal year beginning on or after the effec-
25 tive date of the amendments made by the

1 Puerto Rico Supplemental Nutrition As-
2 sistance Program Restoration Act of 2012,
3 0.4 percent of the aggregate amount speci-
4 fied in clause (i) and adjusted under clause
5 (ii), as further adjusted by the percentage
6 by which the thrifty food plan has been ad-
7 justed under section 3(u)(4) between June
8 30 of the penultimate fiscal year preceding
9 such effective date and June 30 of the fis-
10 cal year for which the adjustment is made
11 under this clause.”,

12 (ii) in subparagraph (B)(i) by insert-
13 ing “ending before the effective date of the
14 amendments made by the Puerto Rico
15 Supplemental Nutrition Assistance Pro-
16 gram Restoration Act of 2012” after
17 “thereafter”, and

18 (iii) in subparagraph (C)—

19 (I) by inserting “(i)” before
20 “For”,

21 (II) by inserting “ending before
22 the effective date of the amendments
23 made by the Puerto Rico Supple-
24 mental Nutrition Assistance Program

1 Restoration Act of 2012” after
2 “thereafter”, and

3 (III) by adding at the end the
4 following:

5 “(ii) For each fiscal year beginning on or
6 after the effective date of the amendments
7 made by the Puerto Rico Supplemental Nutri-
8 tion Assistance Program Restoration Act of
9 2012, the Secretary shall use 100 percent of
10 the funds made available under subparagraph
11 (A) for payment to American Samoa to pay 100
12 percent of the expenditures by American Samoa
13 for a nutrition assistance program extended
14 under section 601(c) of Public Law 96–597 (48
15 U.S.C. 1469d(c)).”, and

16 (C) in paragraph (3) by inserting “ending
17 before the effective date of the amendments
18 made by the Puerto Rico Supplemental Nutri-
19 tion Assistance Program Restoration Act of
20 2012” after “year”, and

21 (2) in subsection (b)(1)(A) by inserting “ending
22 before the effective date of the amendments made by
23 the Puerto Rico Supplemental Nutrition Assistance
24 Program Restoration Act of 2012” after “year” the
25 first place it appears.

1 **SEC. 3. SUBMISSION OF PLAN; APPROVAL OF RETAIL FOOD**
2 **STORES; CERTIFICATION BY SECRETARY OF**
3 **AGRICULTURE.**

4 (a) SUBMISSION OF PLAN BY PUERTO RICO.—

5 (1) SUBMISSION AND REVIEW OF PLAN OF OP-
6 ERATION.—If an agency of the kind described in
7 section 3(t)(1) of the Food and Nutrition Act of
8 2008 (7 U.S.C. 2012(t)(1)) is designated by Puerto
9 Rico and submits to the Secretary of Agriculture
10 (hereinafter in this section referred to as the Sec-
11 retary) a request to participate in the supplemental
12 nutrition program under such Act and a plan of op-
13 eration of the kind described in section 11 of such
14 Act, the Secretary shall determine whether Puerto
15 Rico and such agency satisfy the requirements that
16 would apply under such Act for approval of such
17 plan if Puerto Rico were 1 of the several States.

18 (2) DETERMINATION BY SECRETARY.—The
19 Secretary shall approve such plan if Puerto Rico and
20 such agency satisfy such requirements. If the Sec-
21 retary does not approve such plan, the Secretary
22 shall provide a statement that specifies each of such
23 requirements that is not satisfied by such plan.

24 (b) APPROVAL OF RETAIL FOOD STORES IN PUERTO
25 RICO.—If the Secretary approves the plan of operation
26 submitted under subsection (a), then the Secretary shall

1 accept from retail food stores located in Puerto Rico appli-
2 cations of the kind described in section 9 of the Food and
3 Nutrition Act of 2008 (7 U.S.C. 2018) for approval to
4 participate in the supplemental nutrition assistance pro-
5 gram proposed in such plan.

6 (c) SUBMISSION OF CERTIFICATION TO THE CON-
7 GRESS.—If the Secretary—

8 (1) approves the plan of operation submitted
9 under subsection (a), and

10 (2) approves under subsection (b) the applica-
11 tions of a number of retail food stores located in
12 Puerto Rico requesting to participate in the supple-
13 mental nutrition assistance program that would be
14 sufficient to satisfy the requirements of the Food
15 and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.)
16 if Puerto Rico were 1 of the several States request-
17 ing to participate in the supplemental nutrition as-
18 sistance program under such Act,

19 then the Secretary shall submit to the Congress a certifi-
20 cation that Puerto Rico qualifies to participate in such
21 program as if Puerto Rico were a State as defined in sec-
22 tion 3(s) of such Act.

1 **SEC. 4. EFFECTIVE DATES.**

2 (a) GENERAL EFFECTIVE DATE.—Except as pro-
3 vided in subsection (b), this Act shall take effect on the
4 date of the enactment of this Act.

5 (b) SPECIAL EFFECTIVE DATE.—The amendments
6 made by section 2 shall take effect on October 1 of the
7 1st fiscal year that begins more than 1 year after the Sec-
8 retary of Agriculture submits to the Congress the certifi-
9 cation described in section 3(c).

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