

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

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.

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)(3), by striking subpara-
8 graph (A) and inserting the following:

9 “(A) make cost adjustments in the thrifty
10 food plan for Hawaii, the urban and rural parts
11 of Alaska, and Puerto Rico to reflect the cost
12 of food in Hawaii, the urban and rural parts of
13 Alaska, and Puerto Rico, respectively;”.

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

16 (1) in subsection (b), in the first sentence, by
17 inserting “Puerto Rico,” after “Guam,”;

18 (2) in subsection (c)(1), by striking “and
19 Guam” and inserting “Guam, and Puerto Rico”;
20 and

21 (3) in subsection (e)—

22 (A) in paragraph (1)(A), by inserting
23 “Puerto Rico,” after “Hawaii,” each place it
24 appears; and

1 (B) in paragraph (6)(B), in the matter
2 preceding clause (i), by inserting “Puerto
3 Rico,” after “Guam,”.

4 **SEC. 3. SUBMISSION OF PLAN OF OPERATION; TECHNICAL**
5 **ASSISTANCE; DETERMINATION AND CERTIFI-**
6 **CATION BY SECRETARY OF AGRICULTURE.**

7 (a) SUBMISSION OF PLAN OF OPERATION.—On des-
8 ignating an agency of the kind described in section 3(s)(1)
9 of the Food and Nutrition Act of 2008 (7 U.S.C.
10 2012(s)(1)), Puerto Rico shall have 180 days to submit
11 to the Secretary of Agriculture (in this Act referred to
12 as the “Secretary”) its plan of operation, including a plan
13 to transition to the supplemental nutrition assistance pro-
14 gram under section 4(a) of such Act (7 U.S.C. 2013(a))
15 as a request to participate in the supplemental nutrition
16 assistance program under such Act.

17 (b) TECHNICAL ASSISTANCE.—Within the 180-day
18 period specified in subsection (a) and upon request from
19 Puerto Rico, the Secretary shall provide appropriate train-
20 ing and technical assistance to enable Puerto Rico to for-
21 mulate a plan of operation described in subsection (a).

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

1 the requirements for a supplemental nutrition assistance
2 program State plan in accordance with subsections (d) and
3 (e) of section 11 of the Food and Nutrition Act of 2008
4 (7 U.S.C. 2020). If the Secretary does not approve such
5 plan, the Secretary shall provide, not later than 30 days
6 after disapproval, a statement that specifies each of the
7 requirements that were not satisfied by such plan.

8 (d) CERTIFICATION BY THE SECRETARY OF AGRICULTURE.—If the Secretary approves the plan submitted
9 by Puerto Rico under subsection (a), the Secretary shall
10 submit to the Congress, not later than 90 days thereafter,
11 a certification that Puerto Rico qualifies to participate in
12 the supplemental nutrition assistance program as a State
13 as defined in section 3 of the Food and Nutrition Act of
14 2008 (7 U.S.C. 2012).

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

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

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

3 (b) REPORT.—For each year a plan is continued
4 under subsection (a), the Secretary shall submit to the
5 Congress an annual report on the operation of such plan.
6 The Secretary shall include in such report information re-
7 lated to increases in funding that are required to accom-
8 modate the transition of Puerto Rico from the receipt of
9 block grant payments to the implementation of supple-
10 mental nutrition assistance program.

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

13 Section 19 of the Food and Nutrition Act of 2008
14 (7 U.S.C. 2028) is amended—

15 (1) in subsection (a)—

16 (A) in paragraph (1)(A), by inserting
17 “until the end of the period described in section
18 4(a) of the Puerto Rico Nutrition Assistance
19 Fairness Act,” before “the Commonwealth”;

20 (B) in paragraph (2)—

21 (i) in subparagraph (A)—

22 (I) in clause (i), by striking
23 “and” at the end, and

24 (II) in clause (ii)—

1 (aa) by inserting “ending at
2 the end of the period described in
3 section 4(a) of the Puerto Rico
4 Nutrition Assistance Fairness
5 Act” after “thereafter”;

6 (bb) by striking the period
7 at the end and inserting “; and”;
8 and

9 (cc) by adding at the end
10 the following:

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

1 (ii) in subparagraph (B)(i), in the
2 matter preceding subclause (I), by insert-
3 ing “ending at the end of the period de-
4 scribed in section 4(a) of the Puerto Rico
5 Nutrition Assistance Fairness Act” after
6 “thereafter”; and

7 (iii) in subparagraph (C)—

8 (I) by striking “For” and insert-
9 ing the following:

10 “(i) IN GENERAL.—For”;

11 (II) in clause (i) (as so des-
12 ignated), by inserting “ending at the
13 end of the period described in section
14 4(a) of the Puerto Rico Nutrition As-
15 sistance Fairness Act” after “there-
16 after”; and

17 (III) by adding at the end the
18 following:

19 “(ii) FULL USE OF FUNDS.—For each
20 fiscal year beginning after the end of the
21 period described in section 4(a) of the
22 Puerto Rico Nutrition Assistance Fairness
23 Act, the Secretary shall use 100 percent of
24 the funds made available under subpara-
25 graph (A) for payment to American Samoa

1 to pay 100 percent of the expenditures by
2 American Samoa for a nutrition assistance
3 program extended under section 601(c) of
4 Public Law 96–597 (48 U.S.C.
5 1469d(c)).”; and

6 (C) in paragraph (3), by inserting “until
7 the end of the period described in section 4(a)
8 of the Puerto Rico Nutrition Assistance Fair-
9 ness Act,” before “pay to”; and

10 (2) in subsection (b)(1)(A), in the first sen-
11 tence, by striking “In order to receive payments
12 under this Act for any fiscal year” and inserting
13 “Until the end of the period described in section
14 4(a) of the Puerto Rico Nutrition Assistance Fair-
15 ness Act, to receive payments under this Act for a
16 fiscal year”.

17 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

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

21 **SEC. 7. EFFECTIVE DATES.**

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

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

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