

116TH CONGRESS
2D SESSION

S. 3934

To amend the Food and Nutrition Act of 2008 to provide for the participation of the Commonwealth of Puerto Rico, American Samoa, and the Commonwealth of the Northern Mariana Islands in the supplemental nutrition assistance program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 10, 2020

Mr. SANDERS (for himself, Mr. BOOKER, Mr. MARKEY, Ms. HARRIS, Mr. BLUMENTHAL, Mrs. GILLIBRAND, Mr. MENENDEZ, Ms. WARREN, and Ms. KLOBUCHAR) 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 provide for the participation of the Commonwealth of Puerto Rico, American Samoa, and the Commonwealth of the Northern Mariana Islands in 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 “Equitable Nutrition
5 Assistance for the Territories Act of 2020”.

1 **SEC. 2. PARTICIPATION AND TRANSITION OF PUERTO**
2 **RICO, AMERICAN SAMOA, AND THE NORTH-**
3 **ERN MARIANA ISLANDS IN SUPPLEMENTAL**
4 **NUTRITION ASSISTANCE PROGRAM.**

5 (a) DEFINITIONS.—Section 3 of the Food and Nutri-
6 tion Act of 2008 (7 U.S.C. 2012) is amended—

7 (1) in subsection (r), by inserting “the Com-
8 monwealth of Puerto Rico, American Samoa, the
9 Commonwealth of the Northern Mariana Islands,”
10 after “Guam,”; and

11 (2) in subsection (u)(3), by inserting “the Com-
12 monwealth of Puerto Rico, American Samoa, the
13 Commonwealth of the Northern Mariana Islands,”
14 after “Guam,”.

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

17 (1) in subsection (b), in the first sentence, by
18 inserting “the Commonwealth of Puerto Rico, Amer-
19 ican Samoa, the Commonwealth of the Northern
20 Mariana Islands,” after “Guam,”;

21 (2) in subsection (c)(1), by striking “and
22 Guam,” and inserting “Guam, the Commonwealth of
23 Puerto Rico, American Samoa, and the Common-
24 wealth of the Northern Mariana Islands,”; and

25 (3) in subsection (e)—

1 (A) in paragraph (1)(A), by inserting “the
 2 Commonwealth of Puerto Rico, American
 3 Samoa, the Commonwealth of the Northern
 4 Mariana Islands,” after “Hawaii,” each place it
 5 appears; and

6 (B) in paragraph (6)(B), in the matter
 7 preceding clause (i), by inserting “the Common-
 8 wealth of Puerto Rico, American Samoa, the
 9 Commonwealth of the Northern Mariana Is-
 10 lands,” after “Guam,”.

11 (c) EFFECTIVE DATE.—

12 (1) IN GENERAL.—The amendments made by
 13 subsections (a) and (b) shall be effective with re-
 14 spect to the Commonwealth of Puerto Rico, Amer-
 15 ican Samoa, and the Commonwealth of the Northern
 16 Mariana Islands, as applicable, on the date described
 17 in paragraph (2) if the Secretary of Agriculture sub-
 18 mits to Congress a certification under subsection
 19 (f)(2)(B) of section 19 of the Food and Nutrition
 20 Act of 2008 (7 U.S.C. 2028).

21 (2) DATE DESCRIBED.—The date referred to in
 22 paragraph (1) is, with respect to the Commonwealth
 23 of Puerto Rico, American Samoa, and the Common-
 24 wealth of the Northern Mariana Islands, the date es-
 25 tablished by the Commonwealth of Puerto Rico,

1 American Samoa, or the Commonwealth of the
 2 Northern Mariana Islands, respectively, in the appli-
 3 cable plan of operation submitted to the Secretary of
 4 Agriculture under subsection (f)(1)(A) of section 19
 5 of the Food and Nutrition Act of 2008 (7 U.S.C.
 6 2028).

7 (d) TRANSITION OF PUERTO RICO, AMERICAN
 8 SAMOA, AND THE NORTHERN MARIANA ISLANDS TO SUP-
 9 PLEMENTAL NUTRITION ASSISTANCE PROGRAM.—Section
 10 19 of the Food and Nutrition Act of 2008 (7 U.S.C. 2028)
 11 is amended—

12 (1) in subsection (a)(1)—

13 (A) in subparagraph (A), by striking
 14 “and” at the end;

15 (B) in subparagraph (B), by striking the
 16 period at the end and inserting “; and”; and

17 (C) by adding at the end the following:

18 “(C) the Commonwealth of the Northern
 19 Mariana Islands.”; and

20 (2) by adding at the end the following:

21 “(f) TRANSITION OF PUERTO RICO, AMERICAN
 22 SAMOA, AND THE NORTHERN MARIANA ISLANDS TO SUP-
 23 PLEMENTAL NUTRITION ASSISTANCE PROGRAM.—

24 “(1) REQUEST FOR PARTICIPATION.—A govern-
 25 mental entity may submit to the Secretary a request

1 to participate in the supplemental nutrition assist-
2 ance program, which shall include a plan of oper-
3 ation described in section 11(d), which shall include
4 the date on which the governmental entity intends to
5 begin participation in the program.

6 “(2) CERTIFICATION BY SECRETARY.—

7 “(A) IN GENERAL.—The Secretary shall
8 certify a governmental entity that submits a re-
9 quest under paragraph (1) as qualified to par-
10 ticipate in the supplemental nutrition assistance
11 program if the Secretary—

12 “(i) approves the plan of operation
13 submitted with the request, in accordance
14 with this subsection; and

15 “(ii) approves the applications de-
16 scribed in paragraph (4) in accordance
17 with that paragraph.

18 “(B) SUBMISSION OF CERTIFICATION TO
19 CONGRESS.—The Secretary shall submit each
20 certification under subparagraph (A) to Con-
21 gress.

22 “(3) DETERMINATION OF PLAN OF OPER-
23 ATION.—

24 “(A) APPROVAL.—The Secretary shall ap-
25 prove a plan of operation submitted with a re-

1 quest under paragraph (1) if the plan satisfies
2 the requirements under this Act.

3 “(B) DISAPPROVAL.—If the Secretary does
4 not approve a plan of operation submitted with
5 a request under paragraph (1), the Secretary
6 shall provide to the governmental entity a state-
7 ment that describes each requirement under
8 this Act that is not satisfied by the plan.

9 “(4) RETAIL FOOD STORES.—If the Secretary
10 approves a plan of operation under paragraph (3)(A)
11 for a governmental entity, the Secretary shall accept
12 applications from retail food stores located in that
13 governmental entity to be authorized under section
14 9 to participate in the supplemental nutrition assist-
15 ance program.

16 “(5) PUERTO RICO.—In the case of a request
17 under paragraph (1) by the Commonwealth of Puer-
18 to Rico, notwithstanding subsection (g), the Sec-
19 retary shall allow the Commonwealth of Puerto Rico
20 to continue to carry out under the supplemental nu-
21 trition assistance program the Family Market Pro-
22 gram established pursuant to this section.

23 “(6) AUTHORIZATION OF APPROPRIATIONS.—
24 There are authorized to be appropriated to the Sec-
25 retary such sums as are necessary to carry out this

1 subsection for fiscal year 2020, to remain available
2 until expended.

3 “(g) TECHNICAL INFRASTRUCTURE IMPLEMENTA-
4 TION.—

5 “(1) IN GENERAL.—A governmental entity may
6 request from the Secretary a 1-time grant to pay for
7 the cost of the technology infrastructure necessary
8 to implement the supplemental nutrition assistance
9 program, including the cost of information tech-
10 nology, information technology personnel, and train-
11 ing relating to program implementation.

12 “(2) APPLICATION.—A governmental entity
13 making a request under paragraph (1) for a grant
14 shall submit to the Secretary an application at such
15 time, in such manner, and containing such informa-
16 tion as the Secretary may require, including—

17 “(A) a description of the costs to be paid
18 for by the grant; and

19 “(B) a plan for implementing the tech-
20 nology infrastructure described in paragraph
21 (1)—

22 “(i) within 1 year of receiving the
23 grant; and

24 “(ii) that is reasonably cost efficient,
25 as determined by the Secretary.

1 “(3) DETERMINATION.—

2 “(A) TIME LIMIT.—The Secretary shall
3 approve or deny an application submitted under
4 paragraph (2) not later than 180 days after the
5 date on which the application is submitted.

6 “(B) DENIAL.—If the Secretary denies an
7 application submitted under paragraph (2), the
8 governmental entity may amend the plan de-
9 scribed in subparagraph (B) of that paragraph,
10 in coordination with the Secretary, to resubmit
11 to the Secretary for approval.

12 “(4) FUNDING.—

13 “(A) IN GENERAL.—There is appropriated
14 to the Secretary, out of funds in the Treasury
15 not otherwise appropriated, \$5,000,000 to carry
16 out this subsection, to remain available until 3
17 years after the date of enactment of this sub-
18 section.

19 “(B) REVERSION OF FUNDS.—Any funds
20 appropriated to the Secretary under subpara-
21 graph (A) that remain available by the date de-
22 scribed in that subparagraph shall revert to the
23 Treasury.

24 “(h) TERMINATION OF EFFECTIVENESS.—

1 “(1) IN GENERAL.—Subsections (a) through (e)
2 shall cease to be effective with respect to the Com-
3 monwealth of Puerto Rico, American Samoa, and
4 the Commonwealth of the Northern Mariana Is-
5 lands, as applicable, on the date described in para-
6 graph (2) if the Secretary submits to Congress a
7 certification under subsection (f)(2)(B) for that gov-
8 ernmental entity.

9 “(2) DATE DESCRIBED.—The date referred to
10 in paragraph (1) is, with respect to the Common-
11 wealth of Puerto Rico, American Samoa, and the
12 Commonwealth of the Northern Mariana Islands,
13 the date established by the Commonwealth of Puerto
14 Rico, American Samoa, or the Commonwealth of the
15 Northern Mariana Islands, respectively, in the appli-
16 cable plan of operation submitted to the Secretary
17 under subsection (f)(1)(A).”.

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