

REFERENCES IN TEXT

Subsections (f) and (i) of section 2012 of this title, referred to in text, were redesignated subsecs. (h) and (n), respectively, by Pub. L. 110-246, title IV, §4115(b)(1)(M), June 18, 2008, 122 Stat. 1867.

CODIFICATION

Section was enacted as part of the Supplemental Appropriations Act, 1985, and not as part of the Food and Nutrition Act of 2008 which comprises this chapter.

REFERENCE TO COMMUNITY, MIGRANT, PUBLIC HOUSING, OR HOMELESS HEALTH CENTER CONSIDERED REFERENCE TO HEALTH CENTER

Reference to community health center, migrant health center, public housing health center, or homeless health center considered reference to health center, see section 4(c) of Pub. L. 104-299, set out as a note under section 254b of Title 42, The Public Health and Welfare.

§ 2013. Establishment of supplemental nutrition assistance program**(a) In general**

Subject to the availability of funds appropriated under section 2027 of this title, the Secretary is authorized to formulate and administer a supplemental nutrition assistance program under which, at the request of the State agency, eligible households within the State shall be provided an opportunity to obtain a more nutritious diet through the issuance to them of an allotment, except that a State may not participate in the supplemental nutrition assistance program if the Secretary determines that State or local sales taxes are collected within that State on purchases of food made with benefits issued under this chapter. The benefits so received by such households shall be used only to purchase food from retail food stores which have been approved for participation in the supplemental nutrition assistance program. benefits¹ issued and used as provided in this chapter shall be redeemable at face value by the Secretary through the facilities of the Treasury of the United States.

(b) Food distribution program on Indian reservations**(1) In general**

Distribution of commodities, with or without the supplemental nutrition assistance program, shall be made whenever a request for concurrent or separate food program operations, respectively, is made by a tribal organization.

(2) Administration**(A) In general**

Subject to subparagraphs (B) and (C), in the event of distribution on all or part of an Indian reservation, the appropriate agency of the State government in the area involved shall be responsible for the distribution.

(B) Administration by tribal organization

If the Secretary determines that a tribal organization is capable of effectively and efficiently administering a distribution described in paragraph (1), then the tribal organization shall administer the distribution.

¹ So in original. Probably should be capitalized.

(C) Prohibition

The Secretary shall not approve any plan for a distribution described in paragraph (1) that permits any household on any Indian reservation to participate simultaneously in the supplemental nutrition assistance program and the program established under this subsection.

(3) Disqualified participants

An individual who is disqualified from participation in the food distribution program on Indian reservations under this subsection is not eligible to participate in the supplemental nutrition assistance program under this chapter for a period of time to be determined by the Secretary.

(4) Administrative costs

The Secretary is authorized to pay such amounts for administrative costs and distribution costs on Indian reservations as the Secretary finds necessary for effective administration of such distribution by a State agency or tribal organization.

(5) Bison meat

Subject to the availability of appropriations to carry out this paragraph, the Secretary may purchase bison meat for recipients of food distributed under this subsection, including bison meat from—

- (A) Native American bison producers; and
- (B) producer-owned cooperatives of bison ranchers.

(6) Traditional and locally-grown food fund**(A) In general**

Subject to the availability of appropriations, the Secretary shall establish a fund for use in purchasing traditional and locally-grown foods for recipients of food distributed under this subsection.

(B) Native American producers

Where practicable, of the food provided under subparagraph (A), at least 50 percent shall be produced by Native American farmers, ranchers, and producers.

(C) Definition of traditional and locally grown

The Secretary shall determine the definition of the term “traditional and locally-grown” with respect to food distributed under this paragraph.

(D) Survey

In carrying out this paragraph, the Secretary shall—

- (i) survey participants of the food distribution program on Indian reservations established under this subsection to determine which traditional foods are most desired by those participants; and
- (ii) purchase or offer to purchase those traditional foods that may be procured cost-effectively.

(E) Report

Not later than 1 year after the date of enactment of this paragraph, and annually thereafter, the Secretary shall submit to the

Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the activities carried out under this paragraph during the preceding calendar year.

(F) Authorization of appropriations

There is authorized to be appropriated to the Secretary to carry out this paragraph \$5,000,000 for each of fiscal years 2008 through 2012.

(c) Regulations; transmittal of copy of regulations to Congressional committees prior to issuance

The Secretary shall issue such regulations consistent with this chapter as the Secretary deems necessary or appropriate for the effective and efficient administration of the supplemental nutrition assistance program and shall promulgate all such regulations in accordance with the procedures set forth in section 553 of title 5. In addition, prior to issuing any regulation, the Secretary shall provide the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a copy of the regulation with a detailed statement justifying it.

(Pub. L. 88-525, §4, Aug. 31, 1964, 78 Stat. 704; Pub. L. 91-671, §3, Jan. 11, 1971, 84 Stat. 2049; Pub. L. 95-113, title XIII, §1301, Sept. 29, 1977, 91 Stat. 961; Pub. L. 99-198, title XV, §§1505(a), 1506, Dec. 23, 1985, 99 Stat. 1567; Pub. L. 110-234, title IV, §§4001(b), 4002(a)(1), 4111(a), 4115(b)(2), 4211(a), May 22, 2008, 122 Stat. 1092, 1102, 1106, 1122; Pub. L. 110-246, §4(a), title IV, §§4001(b), 4002(a)(1), 4111(a), 4115(b)(2), 4211(a), June 18, 2008, 122 Stat. 1664, 1853, 1863, 1867, 1884; Pub. L. 111-296, title II, §241(b)(1), Dec. 13, 2010, 124 Stat. 3236.)

REFERENCES IN TEXT

The date of enactment of this paragraph, referred to in subsec. (b)(6)(E), is the date of enactment of Pub. L. 110-246, which was approved June 18, 2008.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2010—Subsec. (a). Pub. L. 111-296 struck out “and, through an approved State plan, nutrition education” after “issuance to them of an allotment” in first sentence.

2008—Pub. L. 110-246, §4002(a)(1), substituted “supplemental nutrition assistance program” for “food stamp program” in section catchline.

Subsec. (a). Pub. L. 110-246, §4115(b)(2), substituted “benefits” for “coupons” in two places and “benefits issued” for “Coupons issued”.

Pub. L. 110-246, §4111(a), inserted “and, through an approved State plan, nutrition education” after “an allotment” in first sentence.

Pub. L. 110-246, §4001(b), substituted “supplemental nutrition assistance program” for “food stamp program” wherever appearing.

Subsec. (b). Pub. L. 110-246, §4211(a), added subsec. (b) and struck out former subsec. (b) which read as follows: “Distribution of commodities, with or without the food stamp program, shall be made whenever a request for concurrent or separate food program operations, re-

spectively, is made by a tribal organization. In the event of distribution on all or part of an Indian reservation, the appropriate agency of the State government in the area involved shall be responsible for such distribution, except that, if the Secretary determines that the tribal organization is capable of effectively and efficiently administering such distribution, then such tribal organizations shall administer such distribution: *Provided*, That the Secretary shall not approve any plan for such distribution which permits any household on any Indian reservation to participate simultaneously in the food stamp program and the distribution of federally donated foods. The Secretary is authorized to pay such amounts for administrative costs of such distribution on Indian reservations as the Secretary finds necessary for effective administration of such distribution by a State agency or tribal organization.”

Subsec. (c). Pub. L. 110-246, §4001(b), substituted “supplemental nutrition assistance program” for “food stamp program”.

1985—Subsec. (a). Pub. L. 99-198, §1505(a), inserted “, except that a State may not participate in the food stamp program if the Secretary determines that State or local sales taxes are collected within that State on purchases of food made with coupons issued under this chapter” at end of first sentence.

Subsec. (b). Pub. L. 99-198, §1506, struck out first sentence which directed that in jurisdictions where the food stamp program is in operation, there shall be no distribution of federally donated foods to households under the authority of any law, except that distribution may be made (1) on a temporary basis under programs authorized by law to meet disaster relief needs, or (2) for the purpose of the commodity supplemental food program, and struck out “also” after “shall” in second sentence.

1977—Subsec. (a). Pub. L. 95-113 made establishment of food stamp program subject to availability of funds appropriated under section 2027 of this title.

Subsec. (b). Pub. L. 95-113 inserted provisions relating to requests by tribal organizations.

Subsec. (c). Pub. L. 95-113 inserted provisions relating to transmittal of regulations and accompanying statement of justification to Congressional committees.

1971—Subsec. (a). Pub. L. 91-671 substituted “the State agency” and “the charge to be paid for such allotment by eligible households” for “an appropriate State agency” and “their normal expenditures for food”, respectively, and struck out “more nearly” before “to obtain”.

Subsec. (b). Pub. L. 91-671 substituted “operation” for “effect”, “federally donated foods” for “federally owned foods” where first appearing, and exception provision for distributions to households: during temporary emergency situations, for period of time necessary to effect transition to a food stamp program as a replacement of distribution of federally donated foods, or on request of the State agency without simultaneous participation in both the food stamp program and distribution of federally donated foods for prior exception during emergency situations caused by a national or other disaster.

EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-296 effective Oct. 1, 2010, except as otherwise specifically provided, see section 445 of Pub. L. 111-296, set out as a note under section 1751 of Title 42, The Public Health and Welfare.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

Amendment by sections 4001(b), 4002(a)(1), 4111(a), 4115(b)(2), and 4211(a) of Pub. L. 110-246 effective Oct. 1, 2008, see section 4407 of Pub. L. 110-246, set out as a note under section 1161 of Title 2, The Congress.

EFFECTIVE DATE OF 1985 AMENDMENT

Section 1505(b) of Pub. L. 99-198 provided that:

“(1) Except as provided in paragraph (2), the amendment made by subsection (a) [amending this section] shall take effect with respect to a State beginning on the first day of the fiscal year that commences in the calendar year during which the first regular session of the legislature of such State is convened following the date of enactment of this Act [Dec. 23, 1985].

“(2) Upon a showing by a State, to the satisfaction of the Secretary, that the application of paragraph (1), without regard to this paragraph, would have an adverse and disruptive effect on the administration of the food stamp program in such State or would provide inadequate time for retail stores to implement changes in sales tax policy required as a result of the amendment made by subsection (a) [amending this section], the Secretary may delay the effective date of subsection (a) with respect to such State to a date not later than October 1, 1987.”

EFFECTIVE DATE OF 1977 AMENDMENT

Section 1301 of Pub. L. 95-113 provided that the amendment made by that section is effective Oct. 1, 1977.

§ 2014. Eligible households**(a) Income and other financial resources as substantial limiting factors in obtaining more nutritious diet; recipients under Social Security Act**

Participation in the supplemental nutrition assistance program shall be limited to those households whose incomes and other financial resources, held singly or in joint ownership, are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. Notwithstanding any other provisions of this chapter except sections 2015(b), 2015(d)(2), and 2015(g) of this title and section 2012(n)(4) of this title, households in which each member receives benefits under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), supplemental security income benefits under title XVI of the Social Security Act [42 U.S.C. 1381 et seq.], or aid to the aged, blind, or disabled under title I, X, XIV, or XVI of the Social Security Act [42 U.S.C. 301 et seq., 1201 et seq., 1351 et seq., or 1381 et seq.], shall be eligible to participate in the supplemental nutrition assistance program. Except for sections 2015, 2025(e)(1), and section 2012(n)(4) of this title, households in which each member receives benefits under a State or local general assistance program that complies with standards established by the Secretary for ensuring that the program is based on income criteria comparable to or more restrictive than those under subsection (c)(2) of this section, and not limited to one-time emergency payments that cannot be provided for more than one consecutive month, shall be eligible to participate in the supplemental nutrition assistance program. Assistance under this program shall be furnished to all eligible households who make application for such participation.

(b) Eligibility standards

Except as otherwise provided in this chapter, the Secretary shall establish uniform national standards of eligibility (other than the income standards for Alaska, Hawaii, Guam, and the Virgin Islands of the United States established

in accordance with subsections (c) and (e) of this section) for participation by households in the supplemental nutrition assistance program in accordance with the provisions of this section. No plan of operation submitted by a State agency shall be approved unless the standards of eligibility meet those established by the Secretary, and no State agency shall impose any other standards of eligibility as a condition for participating in the program.

(c) Gross income standard

The income standards of eligibility shall be adjusted each October 1 and shall provide that a household shall be ineligible to participate in the supplemental nutrition assistance program if—

(1) the household's income (after the exclusions and deductions provided for in subsections (d) and (e) of this section) exceeds the poverty line, as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), for the forty-eight contiguous States and the District of Columbia, Alaska, Hawaii, the Virgin Islands of the United States, and Guam, respectively; and

(2) in the case of a household that does not include an elderly or disabled member, the household's income (after the exclusions provided for in subsection (d) of this section but before the deductions provided for in subsection (e) of this section) exceeds such poverty line by more than 30 per centum.

In no event shall the standards of eligibility for the Virgin Islands of the United States or Guam exceed those in the forty-eight contiguous States.

(d) Exclusions from income

Household income for purposes of the supplemental nutrition assistance program shall include all income from whatever source excluding only—

(1) any gain or benefit which is not in the form of money payable directly to a household (notwithstanding its conversion in whole or in part to direct payments to households pursuant to any demonstration project carried out or authorized under Federal law including demonstration projects created by the waiver of provisions of Federal law);

(2) any income in the certification period which is received too infrequently or irregularly to be reasonably anticipated, but not in excess of \$30 in a quarter, subject to modification by the Secretary in light of subsection (f) of this section;

(3) all educational loans on which payment is deferred, grants, scholarships, fellowships, veterans' educational benefits, and the like—

(A) awarded to a household member enrolled at a recognized institution of post-secondary education, at a school for the handicapped, in a vocational education program, or in a program that provides for completion of a secondary school diploma or obtaining the equivalent thereof;

(B) to the extent that they do not exceed the amount used for or made available as an allowance determined by such school, institution, program, or other grantor, for tui-