

(4) Funding

Not later than 90 days after May 13, 2002, and on October 1 of each fiscal year thereafter, the Secretary shall allocate to carry out this subsection \$200,000 of the funds made available under subsection (b) of this section, to remain available until expended.

(Pub. L. 88-525, §25, as added Pub. L. 104-127, title IV, §401(h), Apr. 4, 1996, 110 Stat. 1027; amended Pub. L. 107-171, title IV, §4125(a), May 13, 2002, 116 Stat. 326; Pub. L. 110-234, title IV, §§4402, 4406(a)(7), May 22, 2008, 122 Stat. 1135, 1141; Pub. L. 110-246, §4(a), title IV, §§4402, 4406(a)(7), June 18, 2008, 122 Stat. 1664, 1896, 1902; Pub. L. 110-380, §1(a), Oct. 8, 2008, 122 Stat. 4080.)

CODIFICATION

Section 4406(a)(7) of Pub. L. 110-246 directed amendment of section 25 of the “Food and Nutrition Act of 2008” which is classified to this section. Pub. L. 110-380, which directed amendment of section 4406(a)(7) of the “Food, Conservation, and Energy Act of 2008 (Public Law 110-234; 122 Stat. 2902)” by striking “Food and Nutrition Act of 2008” and inserting “Food Stamp Act of 1977” was treated as intending to amend section 4406(a)(7) of Pub. L. 110-246 which was identical to section 4406(a)(7) of Pub. L. 110-234. However, since the amendment by Pub. L. 110-380 was effective Oct. 8, 2008, and the amendment by section 4406(a)(7) of Pub. L. 110-246 was effective Oct. 1, 2008, Pub. L. 110-380 had no effect on the execution of the amendment by section 4406(a)(7) of Pub. L. 110-246 to this section.

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 L. 110-234 were repealed by section 4(a) of Pub.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

2008—Subsec. (a). Pub. L. 110-246, §4402(1), added subsec. (a) and struck out former subsec. (a) which defined “community food project”.

Subsec. (b)(2)(B). Pub. L. 110-246, §4406(a)(7)(A), as amended by Pub. L. 110-380, substituted “for fiscal year 2008 and each fiscal year thereafter” for “for each of fiscal years 1997 through 2007”. See Codification note above.

Subsecs. (h), (i). Pub. L. 110-246, §4402(2), (3), added subsec. (h) and redesignated former subsec. (h) as (i).

Subsec. (i)(4). Pub. L. 110-246, §4406(a)(7)(B), as amended by Pub. L. 110-380, substituted “each fiscal year thereafter” for “each of fiscal years 2003 through 2007”. See Codification note above.

2002—Subsec. (a). Pub. L. 107-171, §4125(a)(1), designated pars. (1) to (3) as subpars. (A) to (C) of par. (1), respectively, and added par. (2).

Subsec. (b)(2)(B). Pub. L. 107-171, §4125(a)(2), substituted “\$5,000,000” for “\$2,500,000” and “2007” for “2002”.

Subsec. (d)(4). Pub. L. 107-171, §4125(a)(3), added par. (4) and struck out former par. (4) which read as follows: “encourage long-term planning activities and multi-system, interagency approaches.”

Subsec. (h). Pub. L. 107-171, §4125(a)(4), added subsec. (h) and struck out heading and text of former subsec. (h). Text read as follows:

“(1) IN GENERAL.—The Secretary shall provide for the evaluation of the success of community food projects supported using funds under this section.

“(2) REPORT.—Not later than January 30, 2002, the Secretary shall submit a report to Congress regarding the results of the evaluation.”

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 other-

wise 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 4402 and 4406(a)(7) 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 2002 AMENDMENT

Pub. L. 107-171, title IV, §4125(b), May 13, 2002, 116 Stat. 327, provided that: “The amendments made by this section [amending this section] take effect on the date of enactment of this Act [May 13, 2002].”

§ 2035. Simplified supplemental nutrition assistance program**(a) “Federal costs” defined**

In this section, the term “Federal costs” does not include any Federal costs incurred under section 2026 of this title.

(b) Election

Subject to subsection (d) of this section, a State may elect to carry out a simplified supplemental nutrition assistance program (referred to in this section as a “Program”), statewide or in a political subdivision of the State, in accordance with this section.

(c) Operation of Program

If a State elects to carry out a Program, within the State or a political subdivision of the State—

(1) a household in which no members receive assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) may not participate in the Program;

(2) a household in which all members receive assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) shall automatically be eligible to participate in the Program;

(3) if approved by the Secretary, a household in which 1 or more members but not all members receive assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) may be eligible to participate in the Program; and

(4) subject to subsection (f) of this section, benefits under the Program shall be determined under rules and procedures established by the State under—

(A) a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

(B) the supplemental nutrition assistance program; or

(C) a combination of a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and the supplemental nutrition assistance program.

(d) Approval of Program**(1) State plan**

A State agency may not operate a Program unless the Secretary approves a State plan for the operation of the Program under paragraph (2).

(2) Approval of plan

The Secretary shall approve any State plan to carry out a Program if the Secretary determines that the plan—

- (A) complies with this section; and
- (B) contains sufficient documentation that the plan will not increase Federal costs for any fiscal year.

(e) Increased Federal costs

(1) Determination

(A) In general

The Secretary shall determine whether a Program being carried out by a State agency is increasing Federal costs under this chapter.

(B) No excluded households

In making a determination under subparagraph (A), the Secretary shall not require the State agency to collect or report any information on households not included in the Program.

(C) Alternative accounting periods

The Secretary may approve the request of a State agency to apply alternative accounting periods to determine if Federal costs do not exceed the Federal costs had the State agency not elected to carry out the Program.

(2) Notification

If the Secretary determines that the Program has increased Federal costs under this chapter for any fiscal year or any portion of any fiscal year, the Secretary shall notify the State not later than 30 days after the Secretary makes the determination under paragraph (1).

(3) Enforcement

(A) Corrective action

Not later than 90 days after the date of a notification under paragraph (2), the State shall submit a plan for approval by the Secretary for prompt corrective action that is designed to prevent the Program from increasing Federal costs under this chapter.

(B) Termination

If the State does not submit a plan under subparagraph (A) or carry out a plan approved by the Secretary, the Secretary shall terminate the approval of the State agency operating the Program and the State agency shall be ineligible to operate a future Program.

(f) Rules and procedures

(1) In general

In operating a Program, a State or political subdivision of a State may follow the rules and procedures established by the State or political subdivision under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) or under the supplemental nutrition assistance program.

(2) Standardized deductions

In operating a Program, a State or political subdivision of a State may standardize the deductions provided under section 2014(e) of this title. In developing the standardized deduction, the State shall consider the work ex-

penses, dependent care costs, and shelter costs of participating households.

(3) Requirements

In operating a Program, a State or political subdivision shall comply with the requirements of—

(A) subsections (a) through (f) of section 2016 of this title;

(B) section 2017(a) of this title (except that the income of a household may be determined under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.));

(C) subsection¹ (b) and (d) of section 2017 of this title;

(D) subsections (a), (c), (d), and (n) of section 2020 of this title;

(E) paragraphs (8), (12), (15), (17), (18), (22), and (23) of section 2020(e) of this title;

(F) section 2020(e)(10) of this title (or a comparable requirement established by the State under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)); and

(G) section 2025 of this title.

(4) Limitation on eligibility

Notwithstanding any other provision of this section, a household may not receive benefits under this section as a result of the eligibility of the household under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), unless the Secretary determines that any household with income above 130 percent of the poverty guidelines is not eligible for the program.

(Pub. L. 88-525, §26, as added Pub. L. 104-193, title VIII, §854(a), Aug. 22, 1996, 110 Stat. 2340; amended Pub. L. 110-234, title IV, §§4001(b), 4002(a)(12), 4115(b)(16), May 22, 2008, 122 Stat. 1092, 1095, 1109; Pub. L. 110-246, §4(a), title IV, §§4001(b), 4002(a)(12), 4115(b)(16), June 18, 2008, 122 Stat. 1664, 1853, 1857, 1870.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsecs. (c) and (f), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Part A of title IV of the Act is classified generally to part A (§601 et seq.) of subchapter IV of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

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

2008—Pub. L. 110-246, §4002(a)(12)(A), substituted “Simplified supplemental nutrition assistance program” for “Simplified Food Stamp Program” in section catchline.

Subsec. (b). Pub. L. 110-246, §4002(a)(12)(B), which directed amendment of subsec. (b) by substituting “simplified supplemental nutrition assistance program” for “simplified food stamp program”, was executed by making the substitution for “Simplified Food Stamp Program”, to reflect the probable intent of Congress.

¹ So in original. Probably should be “subsections”.

Subsec. (c)(4)(B), (C). Pub. L. 110-246, §4001(b), substituted “supplemental nutrition assistance program” for “food stamp program”.

Subsec. (f)(1). Pub. L. 110-246, §4001(b), substituted “supplemental nutrition assistance program” for “food stamp program”.

Subsec. (f)(3)(A). Pub. L. 110-246, §4115(b)(16)(A), substituted “subsections (a) through (f)” for “subsections (a) through (g)”.

Subsec. (f)(3)(E). Pub. L. 110-246, §4115(b)(16)(B), substituted “(15), (17), (18), (22), and (23)” for “(16), (18), (20), (24), and (25)”.

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)(12), and 4115(b)(16) 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.

§ 2036. Availability of commodities for emergency food assistance program

(a) Purchase of commodities

(1) In general

From amounts made available to carry out this chapter, for each of the fiscal years 2008 through 2012, the Secretary shall purchase a dollar amount described in paragraph (2) of a variety of nutritious and useful commodities of the types that the Secretary has the authority to acquire through the Commodity Credit Corporation or under section 612c of this title and distribute the commodities to States for distribution in accordance with section 7515 of this title.

(2) Amounts

The Secretary shall use to carry out paragraph (1)—

(A) for fiscal year 2008, \$190,000,000;

(B) for fiscal year 2009, \$250,000,000; and

(C) for each of fiscal years 2010 through 2012, the dollar amount of commodities specified in subparagraph (B) adjusted by the percentage by which the thrifty food plan has been adjusted under section 2012(u)(4) of this title between June 30, 2008, and June 30 of the immediately preceding fiscal year.

(b) Basis for commodity purchases

In purchasing commodities under subsection (a) of this section, the Secretary shall, to the extent practicable and appropriate, make purchases based on—

(1) agricultural market conditions;

(2) preferences and needs of States and distributing agencies; and

(3) preferences of recipients.

(Pub. L. 88-525, §27, as added Pub. L. 104-193, title VIII, §871(g), Aug. 22, 1996, 110 Stat. 2346; amended Pub. L. 107-171, title IV, §4126(a), May 13, 2002, 116 Stat. 328; Pub. L. 110-234, title IV, §4201(a), May 22, 2008, 122 Stat. 1120; Pub. L. 110-246, §4(a), title IV, §4201(a), June 18, 2008, 122 Stat. 1664, 1882.)

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

2008—Subsec. (a). Pub. L. 110-246, §4201(a), reenacted subsec. heading without change, designated existing provisions as par. (1), inserted par. heading, substituted “for each of the fiscal years 2008 through 2012, the Secretary shall purchase a dollar amount described in paragraph (2)” for “for each of fiscal years 2002 through 2007, the Secretary shall purchase \$140,000,000”, and added par. (2).

2002—Subsec. (a). Pub. L. 107-171 substituted “2002 through 2007” for “1997 through 2002” and “\$140,000,000” for “\$100,000,000”.

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 section 4201(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 2002 AMENDMENT

Pub. L. 107-171, title IV, §4126(b), May 13, 2002, 116 Stat. 328, provided that: “The amendments made by this section amending this section] take effect on October 1, 2001.”

§ 2036a. Nutrition education and obesity prevention grant program

(a) Definition of eligible individual

In this section, the term “eligible individual” means an individual who is eligible to receive benefits under a nutrition education and obesity prevention program under this section as a result of being—

(1) an individual eligible for benefits under—

(A) this chapter;

(B) sections 1758(b)(1)(A) and 1766(c)(4) of title 42; or

(C) section 1773(e)(1)(A) of title 42;

(2) an individual who resides in a community with a significant low-income population, as determined by the Secretary; or

(3) such other low-income individual as is determined to be eligible by the Secretary.

(b) Programs

Consistent with the terms and conditions of grants awarded under this section, State agencies may implement a nutrition education and obesity prevention program for eligible individuals that promotes healthy food choices consistent with the most recent Dietary Guidelines for Americans published under section 5341 of this title.

(c) Delivery of nutrition education and obesity prevention services

(1) In general

State agencies may deliver nutrition education and obesity prevention services under a program described in subsection (b)—

(A) directly to eligible individuals; or

(B) through agreements with other State or local agencies or community organizations.