

“(2) LIMITATION.—Before the issuance of rules under paragraph (1), the Secretary may not approve more than 20 food purchasing and delivery services referred to in section 3(p)(5) [now 3(o)(5)] of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(p)(5) [now 2012(o)(5)]) to participate as retail food stores under the supplemental nutrition assistance program.”

#### CONTINUED ELIGIBILITY

Pub. L. 103-225, title II, §205, Mar. 25, 1994, 108 Stat. 109, as amended by Pub. L. 110-234, title IV, §§4002(b)(1)(A), (B), (2)(B), 4115(c)(2)(B), May 22, 2008, 122 Stat. 1095, 1096, 1109; Pub. L. 110-246, §4(a), title IV, §§4002(b)(1)(A), (B), (2)(B), 4115(c)(2)(B), June 18, 2008, 122 Stat. 1664, 1857, 1858, 1871, provided that: “An establishment or house-to-house trade route that is otherwise authorized to accept and redeem coupons under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) on the day before the date of enactment of this Act [Mar. 25, 1994] shall be considered to meet the definition of ‘retail food store’ in section 3(p) [now 3(o)] of that Act [now 7 U.S.C. 2012(o)] until the earlier of—

“(1) the periodic reauthorization of the establishment or route; or

“(2) such time as the eligibility of the establishment or route for continued participation in the supplemental nutrition assistance program is evaluated for any reason.”

#### REPORT ON IMPACT ON RETAIL FOOD STORES

Pub. L. 103-225, title II, §206, Mar. 25, 1994, 108 Stat. 109, as amended by Pub. L. 110-234, title IV, §4002(b)(1)(A), (B), (2)(B), May 22, 2008, 122 Stat. 1095, 1096; Pub. L. 110-246, §4(a), title IV, §4002(b)(1)(A), (B), (2)(B), June 18, 2008, 122 Stat. 1664, 1857, 1858, provided that: “Not later than 18 months after the date of enactment of this Act [Mar. 25, 1994], the Secretary of Agriculture shall prepare and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the impact of the amendments made by sections 201 and 202 [amending this section and section 2018 of this title] on the involvement of retail food stores in the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), including a description of—

“(1) the numbers and types of stores that were newly authorized to participate in the supplemental nutrition assistance program after implementation of the amendments;

“(2) the numbers and types of stores that were withdrawn from the supplemental nutrition assistance program after implementation of the amendments;

“(3) the procedures used by the Secretary, and the adequacy of the procedures used, to determine the eligibility of stores to participate in the supplemental nutrition assistance program and to authorize and reauthorize the stores to participate in the supplemental nutrition assistance program;

“(4) the adequacy of the guidance provided by the Secretary to retail food stores concerning—

“(A) the definitions of ‘retail food store’, ‘staple foods’, ‘eligible foods’, and ‘perishable foods’ for purposes of the supplemental nutrition assistance program; and

“(B) eligibility criteria for stores to participate in the supplemental nutrition assistance program; and

“(5) an assessment of whether the amendment to the definition of ‘retail food store’ under section 3(k) of such Act [subsec. (k) of this section] (as amended by section 201(1)) has had an adverse effect on the integrity of the supplemental nutrition assistance program.”

#### CONTINUING ELIGIBILITY OF CERTAIN RETAIL FOOD STORES

Pub. L. 103-205, §2, Dec. 17, 1993, 107 Stat. 2418, as amended by Pub. L. 110-234, title IV, §§4002(b)(1)(A), (B),

(2)(D), 4115(c)(1)(A)(i), (B)(i), (2)(A), May 22, 2008, 122 Stat. 1095-1097, 1109; Pub. L. 110-246, §4(a), title IV, §§4002(b)(1)(A), (B), (2)(D), 4115(c)(1)(A)(i), (B)(i), (2)(A), June 18, 2008, 122 Stat. 1664, 1857, 1858, 1870, 1871, provided that: “Notwithstanding any other provision of law, during the period beginning on the date of enactment of this Act [Dec. 17, 1993] and ending on March 15, 1994, an establishment or house-to-house trade route that is otherwise authorized to accept and redeem benefits under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) on the date of enactment of this Act may not be disqualified from participation in the supplemental nutrition assistance program solely because the establishment or trade route does not meet the definition of ‘retail food store’ under section 3(p)(1) [now 3(o)(1)] of such Act (7 U.S.C. 2012(k)(1) [now 2012(o)(1)]).”

#### PUBLICLY OPERATED COMMUNITY HEALTH CENTERS

Pub. L. 98-107, §101(b), Oct. 1, 1983, 97 Stat. 734, provided in part: “That notwithstanding any other provision of law or this joint resolution, the provisions of subsections (f) and (i) of section 3 and section 10 of the Food Stamp Act of 1977 [now the Food and Nutrition Act of 2008], as amended [7 U.S.C. 2012(h), (m) and 2019], concerning private, nonprofit drug addiction or alcoholic treatment and rehabilitation programs, shall also be applicable to publicly operated community health centers”.

[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.]

#### ELIGIBILITY OF SUPPLEMENTAL SECURITY INCOME RECIPIENTS FOR FOOD STAMPS DURING PRESCRIBED PERIOD BEGINNING JANUARY 1, 1974

Provisions respecting eligibility of supplemental security income recipients for food stamps during prescribed period beginning Jan. 1, 1974, see section 8(c) of Pub. L. 93-233, Dec. 31, 1974, 87 Stat. 957, set out as a note under section 1382e of Title 42, The Public Health and Welfare.

#### § 2012a. Publicly operated community health centers

Notwithstanding any other provision of law, the provisions of subsections (f) and (i)<sup>1</sup> of section 2012 of this title and section 2019 of this title, concerning private, nonprofit drug addiction or alcohol treatment and rehabilitation programs, shall henceforth also be applicable to publicly operated community health centers.

(Pub. L. 99-88, title I, §100, Aug. 15, 1985, 99 Stat. 297.)

#### 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. Subsec. (n) was subsequently redesignated (m) by Pub. L. 113-79, title IV, §4030(a)(4), Feb. 7, 2014, 128 Stat. 813.

#### 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 home-

<sup>1</sup> See References in Text note below.

less 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. Benefits 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.

**(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 2018.

**(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