

“(ii) offers food delivery service at no or low cost to households under that Act [7 U.S.C. 2011 et seq.];

“(iii) ensures that benefits provided under the supplemental nutrition assistance program are used only to purchase food (as defined in section 3 of that Act (7 U.S.C. 2012));

“(iv) limits the purchase of food, and the delivery of the food, to households eligible to receive services described in section 3(p)(5) [now 3(o)(5)] of that Act (7 U.S.C. 2012(p)(5) [now 2012(o)(5)]);

“(v) has established adequate safeguards against fraudulent activities, including unauthorized use of electronic benefit cards issued under that Act; and

“(vi) meets such other requirements as the Secretary determines to be appropriate.

“(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)¹ 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),

¹ See References in Text note below.

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 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. 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

(A) In general

Subject to subparagraph (B), the Secretary shall pay not less than 80 percent of administrative costs and distribution costs on Indian reservations as the Secretary determines necessary for effective administration of such distribution by a State agency or tribal organization.

(B) Waiver

The Secretary shall waive up to 100 percent of the non-Federal share of the costs described in subparagraph (A) if the Secretary determines that—

- (i) the tribal organization is financially unable to provide a greater non-Federal share of the costs; or
- (ii) providing a greater non-Federal share of the costs would be a substantial burden for the tribal organization.

(C) Limitation

The Secretary may not reduce any benefits or services under the food distribution program on Indian reservations under this subsection to any tribal organization that is granted a waiver under subparagraph (B).

(D) Tribal contribution

The Secretary may allow a tribal organization to use funds provided to the tribal organization through a Federal agency or other Federal benefit to satisfy all or part of the non-Federal share of the costs described in subparagraph (A) if that use is otherwise consistent with the purpose of the funds.

(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- and regionally-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- and regionally-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