

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

shall be produced by Native American farmers, ranchers, and producers.

**(C) Definition of traditional and locally- and regionally-grown**

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

**(D) Purchase of foods**

In carrying out this paragraph, the Secretary shall purchase or offer to purchase those traditional foods that may be procured cost-effectively.

**(E) 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 2023.

**(7) Availability of funds**

**(A) In general**

Funds made available for a fiscal year to carry out this subsection shall remain available for obligation for a period of 2 fiscal years.

**(B) Administrative costs**

Funds made available for a fiscal year to carry out paragraph (4) shall remain available for obligation by the State agency or tribal organization for a period of 2 fiscal years.

**(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; Pub. L. 113-79, title IV, §§ 4004(a), 4030(b), Feb. 7, 2014, 128 Stat. 785, 814; Pub. L. 115-334, title IV, § 4003(a), Dec. 20, 2018, 132 Stat. 4624.)

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

2018—Subsec. (b)(4). Pub. L. 115-334, § 4003(a)(1), added par. (4) and struck out former par. (4). Prior to amendment, text read as follows: “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.”

Subsec. (b)(6). Pub. L. 115-334, § 4003(a)(2)(A), substituted “locally- and regionally-grown” for “locally-grown” in heading.

Subsec. (b)(6)(A). Pub. L. 115-334, § 4003(a)(2)(B), substituted “locally- and regionally-grown” for “locally-grown”.

Subsec. (b)(6)(C). Pub. L. 115-334, § 4003(a)(2)(C), substituted “locally- and regionally-grown” for “locally-grown” in heading and text.

Subsec. (b)(6)(D). Pub. L. 115-334, § 4003(a)(2)(D), amended subpar. (D) generally. Prior to amendment, text read as follows: “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.”

Subsec. (b)(6)(E), (F). Pub. L. 115-334, § 4003(a)(2)(E), (F), redesignated subpar. (F) as (E), substituted “2023” for “2018”, and struck out former subpar. (E). Prior to amendment, text of subpar. (E) read as follows: “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.”

Subsec. (b)(7). Pub. L. 115-334, § 4003(a)(3), added par. (7).

2014—Subsec. (a). Pub. L. 113-79, § 4030(b), substituted “Benefits issued and used” for “benefits issued and used”.

Subsec. (b)(6)(F). Pub. L. 113-79, § 4004(a), substituted “2018” for “2012”.

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, respectively, 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 feder-

ally 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

Pub. L. 99-198, title XV, §1505(b), Dec. 23, 1985, 99 Stat. 1567, 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

Pub. L. 95-113, title XIII, §1301, Sept. 29, 1977, 91 Stat. 958, provided that the amendment made by that section is effective Oct. 1, 1977.

#### DEMONSTRATION PROJECT FOR TRIBAL ORGANIZATIONS

Pub. L. 115-334, title IV, §4003(b), Dec. 20, 2018, 132 Stat. 4625, provided that:

“(1) DEFINITIONS.—In this subsection:

“(A) DEMONSTRATION PROJECT.—The term ‘demonstration project’ means the demonstration project established under paragraph (2).

“(B) FOOD DISTRIBUTION PROGRAM.—The term ‘food distribution program’ means the food distribution program on Indian reservations carried out under section 4(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(b)).

“(C) INDIAN RESERVATION.—The term ‘Indian reservation’ has the meaning given the term ‘reservation’ in section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012).

“(D) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

“(E) SELF-DETERMINATION CONTRACT.—The term ‘self-determination contract’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

“(F) TRIBAL ORGANIZATION.—The term ‘tribal organization’ has the meaning given the term in section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012).

“(2) ESTABLISHMENT.—Subject to the availability of appropriations, the Secretary [of Agriculture] shall establish a demonstration project under which 1 or more tribal organizations may enter into self-determination contracts to purchase agricultural commodities under the food distribution program for the Indian reservation of that tribal organization.

“(3) ELIGIBILITY.—

“(A) CONSULTATION.—The Secretary shall consult with the Secretary of the Interior and Indian tribes to determine the process and criteria under which a tribal organization may participate in the demonstration project.

“(B) CRITERIA.—The Secretary shall select for participation in the demonstration project tribal organizations that—

“(i) are successfully administering the food distribution program of the tribal organization under section 4(b)(2)(B) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(b)(2)(B)),

“(ii) have the capacity to purchase agricultural commodities in accordance with paragraph (4) for the food distribution program of the tribal organization, and

“(iii) meet any other criteria determined by the Secretary, in consultation with the Secretary of the Interior and Indian tribes.

“(4) PROCUREMENT OF AGRICULTURAL COMMODITIES.—Any agricultural commodities purchased by a tribal organization under the demonstration project shall—

“(A) be domestically produced,

“(B) supplant, not supplement, the type of agricultural commodities in existing food packages for that tribal organization,

“(C) be of similar or higher nutritional value as the type of agricultural commodities that would be sup-

planted in the existing food package for that tribal organization, and

“(D) meet any other criteria determined by the Secretary.

“(5) REPORT.—Not later than 1 year after the date on which funds are appropriated under paragraph (6) 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 the demonstration project during the preceding year.

“(6) FUNDING.—

“(A) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection \$5,000,000, to remain available until expended.

“(B) APPROPRIATIONS IN ADVANCE.—Only funds appropriated under subparagraph (A) in advance specifically to carry out this subsection shall be available to carry out this subsection.”

FEASIBILITY STUDY, REPORT, AND DEMONSTRATION PROJECT FOR INDIAN TRIBES

Pub. L. 113–79, title IV, § 4004(b), Feb. 7, 2014, 128 Stat. 785, provided that:

“(1) DEFINITIONS.—In this subsection:

“(A) INDIAN; INDIAN TRIBE.—The terms ‘Indian’ and ‘Indian tribe’ have the meaning given the terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) [now 25 U.S.C. 5304].

“(B) TRIBAL ORGANIZATION.—The term ‘tribal organization’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) [now 25 U.S.C. 5304].

“(2) STUDY.—The Secretary [of Agriculture] shall conduct a study to determine the feasibility of tribal administration of Federal food assistance programs, services, functions, and activities (or portions thereof), in lieu of State agencies or other administering entities.

“(3) REPORT.—Not later than 18 months after the date of enactment of this Act [Feb. 7, 2014], 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 that—

“(A) contains a list of programs, services, functions, and activities with respect to which it would be feasible to be administered by a tribal organization;

“(B) a description of whether that administration would necessitate a statutory or regulatory change; and

“(C) such other issues that may be determined by the Secretary and developed through consultation pursuant to paragraph (4).

“(4) CONSULTATION WITH INDIAN TRIBES.—In developing the report required by paragraph (3), the Secretary shall consult with tribal organizations.

“(5) FUNDING.—Out of any funds made available under section 18 [probably means section 18 of Pub. L. 88–525, 7 U.S.C. 2027] for fiscal year 2014, the Secretary shall make available to carry out the study and report described in paragraphs (2) and (3) \$1,000,000, to remain available until expended.

“(6) TRADITIONAL AND LOCAL FOODS DEMONSTRATION PROJECT.—

“(A) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall pilot a demonstration project by awarding a grant to 1 or more tribal organizations authorized to administer the food distribution program on Indian reservations under section 4(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(b)) for the purpose of purchasing nutritious and traditional foods, and when practicable, foods produced locally by Indian producers, for distribution to recipients of foods distributed under that program.

“(B) ADMINISTRATION.—The Secretary may award a grant on a noncompetitive basis to 1 or more tribal

organizations that have the administrative and financial capability to conduct a demonstration project, as determined by the Secretary.

“(C) CONSULTATION, TECHNICAL ASSISTANCE, AND TRAINING.—During the implementation phase of the demonstration project, the Secretary shall consult with Indian tribes and provide outreach to Indian farmers, ranchers, and producers regarding the training and capacity to participate in the demonstration project.

“(D) FUNDING.—

“(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$2,000,000 for each of fiscal years 2014 through 2018.

“(ii) RELATIONSHIP TO OTHER AUTHORITIES.—The funds and authorities provided under this subparagraph are in addition to any other funds or authorities the Secretary may have to carry out activities described in this paragraph.”

§ 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 subsections (b), (d)(2), (g), and (r) of section 2015 of this title and section 2012(m)(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(m)(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), 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 agen-