

by Apr. 1, 1982, to receive payments for fiscal years 1982 and 1983.

§ 2029. Workfare

(a) Program plan; guidelines; compliance

(1) The Secretary shall permit any political subdivision, in any State, that applies and submits a plan to the Secretary in compliance with guidelines promulgated by the Secretary to operate a workfare program pursuant to which every member of a household participating in the supplemental nutrition assistance program who is not exempt by virtue of the provisions of subsection (b) of this section shall accept an offer from such subdivision to perform work on its behalf, or may seek an offer to perform work, in return for compensation consisting of the allotment to which the household is entitled under section 2017(a) of this title, with each hour of such work entitling that household to a portion of its allotment equal in value to 100 per centum of the higher of the applicable State minimum wage or the Federal minimum hourly rate under the Fair Labor Standards Act of 1938 [29 U.S.C. 201 et seq.].

(2)(A) The Secretary shall promulgate guidelines pursuant to paragraph (1) which, to the maximum extent practicable, enable a political subdivision to design and operate a workfare program under this section which is compatible and consistent with similar workfare programs operated by the subdivision.

(B) A political subdivision may comply with the requirements of this section by operating any workfare program which the Secretary determines meets the provisions and protections provided under this section.

(b) Exempt household members

A household member shall be exempt from workfare requirements imposed under this section if such member is—

(1) exempt from section 2015(d)(1) of this title as the result of clause (B), (C), (D), (E), or (F) of section 2015(d)(2) of this title;

(2) at the option of the operating agency, subject to and currently actively and satisfactorily participating at least 20 hours a week in a work activity required under title IV of the Social Security Act (42 U.S.C. 601 et seq.);

(3) mentally or physically unfit;

(4) under sixteen years of age;

(5) sixty years of age or older; or

(6) a parent or other caretaker of a child in a household in which another member is subject to the requirements of this section or is employed fulltime.

(c) Valuation or duration of work

No operating agency shall require any participating member to work in any workfare position to the extent that such work exceeds in value the allotment to which the household is otherwise entitled or that such work, when added to any other hours worked during such week by such member for compensation (in cash or in kind) in any other capacity, exceeds thirty hours a week.

(d) Nature, conditions, and costs of work

The operating agency shall—

(1) not provide any work that has the effect of replacing or preventing the employment of

an individual not participating in the workfare program;

(2) provide the same benefits and working conditions that are provided at the job site to employees performing comparable work for comparable hours; and

(3) reimburse participants for actual costs of transportation and other actual costs all of which are reasonably necessary and directly related to participation in the program but not to exceed \$25 in the aggregate per month.

(e) Job search period

The operating agency may allow a job search period, prior to making workfare assignments, of up to thirty days following a determination of eligibility.

(f) Disqualification

An individual or a household may become ineligible under section 2015(d)(1) of this title to participate in the supplemental nutrition assistance program for failing to comply with this section.

(g) Payment of administrative expenses

(1) The Secretary shall pay to each operating agency 50 per centum of all administrative expenses incurred by such agency in operating a workfare program, including reimbursements to participants for work-related expenses as described in subsection (d)(3) of this section.

(2)(A) From 50 per centum of the funds saved from employment related to a workfare program operated under this section, the Secretary shall pay to each operating agency an amount not to exceed the administrative expenses described in paragraph (1) for which no reimbursement is provided under such paragraph.

(B) For purposes of subparagraph (A), the term “funds saved from employment related to a workfare program operated under this section” means an amount equal to three times the dollar value of the decrease in allotments issued to households, to the extent that such decrease results from wages received by members of such households for the first month of employment beginning after the date such members commence such employment if such employment commences—

(i) while such members are participating for the first time in a workfare program operated under this section; or

(ii) in the thirty-day period beginning on the date such first participation is terminated.

(3) The Secretary may suspend or cancel some or all of these payments, or may withdraw approval from a political subdivision to operate a workfare program, upon a finding that the subdivision has failed to comply with the workfare requirements.

(Pub. L. 88-525, §20, as added Pub. L. 97-98, title XIII, §1333, Dec. 22, 1981, 95 Stat. 1291; amended Pub. L. 97-253, title I, §§185-188, Sept. 8, 1982, 96 Stat. 786; Pub. L. 99-198, title XV, §1517(d), Dec. 23, 1985, 99 Stat. 1577; Pub. L. 102-237, title IX, §941(10), Dec. 13, 1991, 105 Stat. 1893; Pub. L. 104-193, title I, §109(e), title VIII, §815(b)(2), Aug. 22, 1996, 110 Stat. 2170, 2317; Pub. L. 110-234, title IV, §4001(b), May 22, 2008, 122 Stat. 1092; Pub. L. 110-246, §4(a), title IV, §4001(b), June 18, 2008, 122 Stat. 1664, 1853.)

Editorial Notes

REFERENCES IN TEXT

The Fair Labor Standards Act of 1938, referred to in subsec. (a)(1), is act June 25, 1938, ch. 676, 52 Stat. 1060, as amended, which is classified generally to chapter 8 (§ 201 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see section 201 of Title 29 and Tables.

The Social Security Act, referred to in subsec. (b)(2), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Title IV of the Act is classified generally to subchapter IV (§ 601 et seq.) 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—Subsecs. (a)(1), (f). Pub. L. 110-246, § 4001(b), substituted “supplemental nutrition assistance program” for “food stamp program”.

1996—Subsec. (a)(2)(B). Pub. L. 104-193, § 109(e)(1), substituted “operating any” for “operating—

“(i) a workfare program pursuant to title IV of the Social Security Act (42 U.S.C. 601 et seq.); or

“(ii) any other”.

Subsec. (b). Pub. L. 104-193, § 109(e)(2), struck out “(1)” before “A household member shall be exempt”, redesignated subpars. (A) to (F) as pars. (1) to (6), respectively, in par. (2), substituted “a work activity” for “a work training program”, and struck out former par. (2) which read as follows:

“(2)(A) Subject to subparagraphs (B) and (C), in the case of a household that is exempt from work requirements imposed under this chapter as the result of participation in a community work experience program established under section 409 of the Social Security Act (42 U.S.C. 609), the maximum number of hours in a month for which all members of such household may be required to participate in such program shall equal the result obtained by dividing—

“(i) the amount of assistance paid to such household for such month under title IV of such Act, together with the value of the food stamp allotment of such household for such month; by

“(ii) the higher of the Federal or State minimum wage in effect for such month.

“(B) In no event may any such member be required to participate in such program more than 120 hours per month.

“(C) For the purpose of subparagraph (A)(i), the value of the food stamp allotment of a household for a month shall be determined in accordance with regulations governing the issuance of an allotment to a household that contains more members than the number of members in an assistance unit established under title IV of such Act.”

Subsec. (f). Pub. L. 104-193, § 815(b)(2), added subsec. (f) and struck out former subsec. (f) which read as follows: “In the event that any person fails to comply with the requirements of this section, neither that person nor the household to which that person belongs shall be eligible to participate in the food stamp program for two months, unless that person or another person in the household satisfies all outstanding workfare obligations prior to the end of the two-month disqualification period.”

1991—Subsec. (g)(2). Pub. L. 102-237 realigned the margins of subpars. (A) and (B) and cls. (i) and (ii) of subpar. (B).

1985—Subsec. (b). Pub. L. 99-198 in amending subsec. (b) generally, designated existing provisions of subsec. (b) as par. (1), reorganized and expanded provisions of par. (1) as thus designated, lowered minimum age for

exempted household members from eighteen years to sixteen years, and added par. (2).

1982—Subsec. (a). Pub. L. 97-253, § 185, redesignated existing provisions, formerly undesignated, as par. (1), and added par. (2).

Subsec. (b)(4). Pub. L. 97-253, § 186, substituted “at the option of the operating agency, subject to and currently actively and satisfactorily participating” for “subject to and currently involved”.

Subsec. (c). Pub. L. 97-253, § 187, substituted “, when added to any other hours worked during such week by such member for compensation (in cash or in kind) in any other capacity, exceeds thirty hours a week” for “either exceeds twenty hours a week or would, together with any other hours worked in any other compensated capacity by such member on a regular or predictable part-time basis, exceed thirty hours a week”.

Subsec. (g)(2), (3). Pub. L. 97-253, § 188, added par. (2) and redesignated former par. (2) as (3).

Statutory Notes and Related Subsidiaries

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 4001(b) 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 1996 AMENDMENT

Amendment by section 109(e) of Pub. L. 104-193 effective July 1, 1997, with transition rules relating to State options to accelerate such date, rules relating to claims, actions, and proceedings commenced before such date, rules relating to closing out of accounts for terminated or substantially modified programs and continuance in office of Assistant Secretary for Family Support, and provisions relating to termination of entitlement under AFDC program, see section 116 of Pub. L. 104-193, as amended, set out as an Effective Date note under section 601 of Title 42, The Public Health and Welfare.

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102-237 effective and to be implemented no later than Feb. 1, 1992, see section 1101(d)(1) of Pub. L. 102-237, set out as a note under section 1421 of this title.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by sections 185 to 187 of Pub. L. 97-253 effective Sept. 8, 1982, see section 193(a) of Pub. L. 97-253, set out as a note under section 2012 of this title.

Amendment by section 188 of Pub. L. 97-253 effective Oct. 1, 1982, see section 193(b) of Pub. L. 97-253, set out as a note under section 2012 of this title.

EFFECTIVE DATE

Section effective on earlier of Sept. 8, 1982, or date effective pursuant to section 1338 of Pub. L. 97-98, set out as an Effective Date of 1981 Amendment note under section 2012 of this title, which made the section effective on such date as Secretary of Agriculture may prescribe, taking into account need for orderly implementation, see section 192(b) of Pub. L. 97-253 set out as an Effective Date of 1982 Amendment note under section 2012 of this title.

§ 2030. Repealed. Pub. L. 110-234, title IV, § 4115(b)(14), May 22, 2008, 122 Stat. 1108, and Pub. L. 110-246, § 4(a), title IV, § 4115(b)(14), June 18, 2008, 122 Stat. 1664, 1870

Section, Pub. L. 88-525, § 21, as added Pub. L. 100-203, title I, § 1509, Dec. 22, 1987, 101 Stat. 1330-29; amended