

Public Law 96-58
96th Congress

An Act

To increase the fiscal year 1979 authorization for appropriations for the food stamp program, and for other purposes.

Aug. 14, 1979
[H.R. 4057]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Food Stamp Act
of 1977,
amendment.

INCREASE IN 1979 AUTHORIZATION FOR APPROPRIATIONS; REPEAL OF AUTHORITY FOR CARRYOVER OF APPROPRIATIONS; METHOD OF REDUCING ALLOTMENTS IF APPROPRIATIONS ARE INSUFFICIENT

SECTION 1. Section 18 of the Food Stamp Act of 1977 is amended by—

7 USC 2027.

(1) striking out “\$6,158,900,000” in the first sentence of subsection (a) and inserting in lieu thereof “\$6,778,900,000”;

Appropriation
authorization.

(2) striking out the third sentence of subsection (a) and inserting in lieu thereof two new sentences as follows: “The Secretary shall, by the fifteenth day of each month, submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate setting forth the Secretary’s best estimate of the second preceding month’s expenditure, including administrative costs, as well as the cumulative totals for the fiscal year. In each monthly report, the Secretary shall also state whether there is reason to believe that reductions in the value of allotments issued to households certified to participate in the food stamp program will be necessary under subsection (b) of this section.”;

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congressional
committees.

(3) striking out “If” in the second sentence of subsection (b) and inserting in lieu thereof “Notwithstanding any other provision of this Act, if”; and

(4) adding at the end thereof new subsections (c) and (d) as follows:

“(c) In prescribing the manner in which allotments will be reduced under subsection (b) of this section, the Secretary shall ensure that such reductions reflect, to the maximum extent practicable, the ratio of household income, determined under sections 5(d) and 5(e) of this Act, to the income standards of eligibility, for households of equal size, determined under section 5(c) of this Act. The Secretary may, in prescribing the manner in which allotments will be reduced, establish (1) special provisions applicable to persons sixty years of age or over and persons who are physically or mentally handicapped or otherwise disabled, and (2) minimum allotments after any reductions are otherwise determined under this section.

Allotment
reductions.

7 USC 2014.

“(d) Not later than sixty days after the issuance of a report under subsection (a) of this section in which the Secretary expresses the belief that reductions in the value of allotments to be issued to households certified to participate in the food stamp program will be necessary, the Secretary shall take the requisite action to reduce allotments in accordance with the requirements of this section. Not later than seven days after the Secretary takes any action to reduce

Statement to
congressional
committees.

allotments under this section, the Secretary shall furnish the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a statement setting forth (1) the basis of the Secretary's determination, (2) the manner in which the allotments will be reduced, and (3) the action that has been taken by the Secretary to reduce the allotments."

EXCESS MEDICAL EXPENSE AND EXCESS SHELTER EXPENSE DEDUCTIONS FOR ELDERLY PERSONS AND PERSONS RECEIVING SUPPLEMENTAL SECURITY INCOME BENEFITS OR SOCIAL SECURITY DISABILITY PAYMENTS

7 USC 2014.

SEC. 2. Section 5(e) of the Food Stamp Act of 1977 is amended by—

(1) inserting in the fourth sentence after "Households" the following: ", other than those households containing a member who is sixty years of age or over or who receives supplemental security income benefits under title XVI of the Social Security Act or disability payments under title II of the Social Security Act,"; and

42 USC 1381,
401.

(2) adding at the end thereof a new sentence as follows: "Households containing a member who is sixty years of age or over or who receives supplemental security income benefits under title XVI of the Social Security Act or disability payments under title II of the Social Security Act shall also be entitled to—

"(A) an excess medical expense deduction for that portion of the actual cost of allowable medical expenses, incurred by household members who are sixty years of age or over or who receive supplemental security income benefits under title XVI of the Social Security Act, or disability payments under title II of the Social Security Act, exclusive of special diets, that exceed \$35 a month;

"(B) a dependent care deduction, the maximum allowable level of which shall be the same as that for the excess shelter expense deduction contained in clause (2) of the preceding sentence, for the actual cost of payments necessary for the care of a dependent, regardless of the dependent's age, when such care enables a household member to accept or continue employment, or training or education that is preparatory for employment; and

"(C) an excess shelter expense deduction to the extent that the monthly amount expended by a household for shelter exceeds an amount equal to 50 per centum of monthly household income after all other applicable deductions have been allowed."

DEFINITION OF ALLOWABLE MEDICAL EXPENSES

7 USC 2012.

SEC. 3. Section 3 of the Food Stamp Act of 1977 is amended by adding at the end thereof a new subsection (q) as follows:

"(q) 'Allowable medical expenses' means expenditures for (1) medical and dental care, (2) hospitalization or nursing care (including hospitalization or nursing care of an individual who was a household member immediately prior to entering a hospital or nursing home), (3) prescription drugs when prescribed by a licensed practitioner authorized under State law and over-the-counter medication (including insulin) when approved by a licensed practitioner or other qualified health professional, (4) health and hospitalization insurance

policies (excluding the costs of health and accident or income maintenance policies), (5) medicare premiums related to coverage under title XVIII of the Social Security Act, (6) dentures, hearing aids, and prosthetics (including the costs of securing and maintaining a seeing eye dog), (7) eye glasses prescribed by a physician skilled in eye disease or by an optometrist, (8) reasonable costs of transportation necessary to secure medical treatment or services, and (9) maintaining an attendant, homemaker, home health aide, housekeeper, or child care services due to age, infirmity, or illness.”

42 USC 1395.

PROVISION OF INFORMATION

SEC. 4. Section 16 of the Food Stamp Act of 1977 is amended by adding at the end thereof a new subsection (f) as follows:

7 USC 2025.

“(f) The Secretary and State agencies may (1) require, as a condition of eligibility for participation in the food stamp program, that each household member furnish to the State agency their social security account number (or numbers, if they have more than one number), and (2) use such account numbers in the administration of the food stamp program. The Secretary and State agencies shall have access to the information regarding individual food stamp program applicants and participants who receive benefits under title XVI of the Social Security Act that has been provided to the Secretary of Health, Education, and Welfare, but only to the extent that the Secretary and the Secretary of Health, Education, and Welfare determine necessary for purposes of determining or auditing a household's eligibility to receive assistance or the amount thereof under the food stamp program, or verifying information related thereto.”

42 USC 1381.

REPAYMENT FOR FRAUDULENT CONDUCT

SEC. 5. Section 6(b) of the Food Stamp Act of 1977 is amended by adding at the end thereof two new sentences as follows: “After any specified period of disqualification pursuant to findings under clauses (1) or (2) of this subsection, no disqualified individual shall be eligible to participate in the food stamp program unless such individual agrees to (A) a reduction in the allotment of the household of which such individual is a member or (B) to repayment in cash, in accordance with a reasonable schedule as determined by the Secretary that will be sufficient over time to reimburse the Federal Government for the value of the coupons obtained through the fraudulent conduct. If any disqualified individual elects repayment in cash under the provisions of the preceding sentence and fails to make payments in accordance with the schedule determined by the Secretary, the household of which such individual is a member shall be subject to appropriate allotment reductions.”

7 USC 2015.

STATE SHARE OF RECOVERIES

SEC. 6. Section 16(a) of the Food Stamp Act of 1977 is amended by inserting before the period at the end thereof the following: “, as well as to permit each State to retain 50 per centum of the value of all funds or allotments recovered or collected through prosecutions or other State activities directed against individuals who fraudulently obtain allotments as determined in accordance with this Act. The officials responsible for making determinations of fraud under this Act shall not receive or benefit from revenues retained by the State under the provisions of this subsection”.

7 USC 2025.

GROUP LIVING ARRANGEMENTS FOR THE DISABLED OR BLIND

7 USC 2012.

SEC. 7. Section 3 of the Food Stamp Act of 1977 is amended by—

(1) striking out in subsection (g) “and (5)” and inserting in lieu thereof “(5), and (7)”;

(2) striking out in subsection (g) “and (6)” and inserting in lieu thereof “(6)”;

(3) inserting immediately before the period at the end of subsection (g) the following: “, and (7) in the case of disabled or blind recipients of benefits under title II or title XVI of the Social Security Act who are residents in a public or private nonprofit group living arrangement that serves no more than sixteen residents and is certified by the appropriate State agency or agencies under regulations issued under section 1616(e) of the Social Security Act, meals prepared and served under such arrangement”;

42 USC 401,
1381.

(4) inserting in subsection (i) after “elderly” the following: “, disabled or blind recipients of benefits under title II or title XVI of the Social Security Act who are residents in a public or private nonprofit group living arrangement that serves no more than sixteen residents and is certified by the appropriate State agency or agencies under regulations issued under section 1616(e) of the Social Security Act,”;

42 USC 1382e.

(5) inserting immediately before the period at the end of subsection (i) the following: “and shall be considered individual households”; and

(6) amending clause (2) of subsection (k) to read as follows: “(2) an establishment, organization, program, or group living arrangement referred to in subsections (g) (3), (4), (5), and (7) of this section,”.

7 USC 2019.

SEC. 8. Section 10 of the Food Stamp Act is amended by inserting after “programs” the following: “, and public or private nonprofit group living arrangements that serve meals to disabled or blind residents,”.

DENIAL OF BENEFITS TO CERTAIN HOUSEHOLDS

7 USC 2015.

SEC. 9. Section 6 of the Food Stamp Act of 1977 is amended by adding at the end thereof a new subsection (i) as follows:

“(i) No household that contains a person involved in a labor-management dispute shall be eligible to participate in the food stamp program unless the household meets the income guidelines, asset requirements, and work registration requirements of this Act.”.

IMPLEMENTATION

7 USC 2012 note.

SEC. 10. (a) The provisions of sections 2 and 3 of this Act shall be implemented in all States by January 1, 1980, and shall not affect the rights or liabilities of the Secretary, States, and applicant or participant households, under the Food Stamp Act of 1977 in effect on July 1, 1979, until implemented.

7 USC 2011 note.

(b) Notwithstanding any other provision of law, the Secretary of Agriculture shall issue final regulations implementing the provisions of sections 4 through 6 of this Act within one hundred and fifty days after the date of enactment of this Act.

Regulations.

(c) The provisions of sections 7 and 8 of this Act shall be implemented in all States by July 1, 1980, and shall not affect the rights or liabilities of the Secretary, States, and applicant or participating households, under the Food Stamp Act of 1977 in effect on July 1, 1979, until implemented.

7 USC 2011 note.

Approved August 14, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-264 (Comm. on Agriculture) and No. 96-394 (Comm. of Conference).

SENATE REPORTS: No. 96-236 accompanying S. 1309 (Comm. on Agriculture, Nutrition, and Forestry) and No. 96-261 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 125 (1979):

July 11, considered and passed House.

July 23, S. 1309 considered and passed Senate; H.R. 4057, amended, passed in lieu.

July 27, Senate agreed to conference report.

Aug. 2, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 15, No. 33:

Aug. 15, Presidential statement.