

RULES

Pub. L. 99-198, title XV, §1583, Dec. 23, 1985, 99 Stat. 1595, provided that: "Not later than April 1, 1987, the Secretary shall issue rules to carry out the amendments made by this title [amending sections 612c, 1431e, 2012 to 2023, and 2025 to 2029 of this title, section 49b of Title 29, Labor, and section 503 of Title 42, The Public Health and Welfare, and amending provisions set out as notes under section 612c of this title]."

IMPLEMENTATION OF 1977 AMENDMENT; SAVINGS PROVISION; AVAILABILITY OF APPROPRIATED FUNDS; REPORT

Pub. L. 95-113, title XIII, §1303, Sept. 29, 1977, 91 Stat. 979, as amended by Pub. L. 97-375, title I, §103(a), Dec. 21, 1982, 96 Stat. 1819, provided that:

"(a) The Secretary of Agriculture shall implement the Food Stamp Act of 1977 [now the Food and Nutrition Act of 2008, this chapter] as expeditiously as possible consistent with the efficient and effective administration of the food stamp program. The provisions of the Food Stamp Act of 1964, as amended [this chapter prior to amendment by Pub. L. 95-113], which are relevant to current regulations of the Secretary governing the food stamp program, shall remain in effect until such regulations are revoked, superseded, amended, or modified by regulations issued pursuant to the Food Stamp Act of 1977. Coupons issued pursuant to the Food Stamp Act of 1964, as amended, and in general use as of the effective date of the Food Stamp Act of 1977 [Oct. 1, 1977], shall continue to be usable to purchase food, and all other liabilities of the Secretary, States, and applicant or participating households, under the Food Stamp Act of 1964, as amended, shall continue in force until finally resolved or terminated by administrative or judicial action, or otherwise.

"(b) Pending proceedings under the Food Stamp Act of 1964, as amended, shall not be abated by reason of any provision of the Food Stamp Act of 1977, but shall be disposed of pursuant to the applicable provisions of the Food Stamp Act of 1964, as amended, in effect prior to the effective date of the Food Stamp Act of 1977 [Oct. 1, 1977].

"(c) Appropriations made available to carry out the Food Stamp Act of 1964, as amended, shall be available to carry out the provisions of the Food Stamp Act of 1977.

"(d) [Repealed. Pub. L. 97-375, title I, §103(a), Dec. 1, 1982, 96 Stat. 1819.]"

[References to the food stamp program established under the Food and Nutrition Act of 2008 considered to refer to the supplemental nutrition assistance program established under that Act, see section 4002(c) of Pub. L. 110-246, set out as a note under section 2012 of this title.]

§ 2012. Definitions

As used in this chapter, the term:

(a) "Access device" means any card, plate, code, account number, or other means of access, including point of sale devices, that can be used, alone or in conjunction with another access device, to obtain payments, allotments, benefits, money, goods, or other things of value, or that can be used to initiate a transfer of funds under this chapter.

(b) "Allotment" means the total value of benefits a household is authorized to receive during each month.

(c) "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 [42 U.S.C. 1395 et seq.], (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.

(d) **BENEFIT.**—The term "benefit" means the value of supplemental nutrition assistance provided to a household by means of—

(1) an electronic benefit transfer under section 2016(i) of this title; or

(2) other means of providing assistance, as determined by the Secretary.

(e) **BENEFIT ISSUER.**—The term "benefit issuer" means any office of the State agency or any person, partnership, corporation, organization, political subdivision, or other entity with which a State agency has contracted for, or to which it has delegated functional responsibility in connection with, the issuance of benefits to households.

(f) "Certification period" means the period for which households shall be eligible to receive benefits. The certification period shall not exceed 12 months, except that the certification period may be up to 24 months if all adult household members are elderly or disabled. A State agency shall have at least 1 contact with each certified household every 12 months. The limits specified in this subsection may be extended until the end of any transitional benefit period established under section 2020(s) of this title.

(g) "Coupon" means any coupon, stamp, type of certificate, authorization card,¹ cash or check issued in lieu of a coupon.²

(h) "Drug addiction or alcoholic treatment and rehabilitation program" means any such program conducted by a private nonprofit organization or institution, or a publicly operated community mental health center, under part B of title XIX of the Public Health Service Act (42 U.S.C. 300x et seq.) to provide treatment that can lead to the rehabilitation of drug addicts or alcoholics.

(i) **EBT CARD.**—The term "EBT card" means an electronic benefit transfer card issued under section 2016(i) of this title.

(j) "Elderly or disabled member" means a member of a household who—

(1) is sixty years of age or older;

(2)(A) receives supplemental security income benefits under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or Federally or State administered supplemental benefits of the type described in section 212(a) of Public Law 93-66 (42 U.S.C. 1382 note), or

¹ So in original. The word "or" probably should appear.

² So in original. The comma probably should not appear.

(B) receives Federally or State administered supplemental assistance of the type described in section 1616(a) of the Social Security Act (42 U.S.C. 1382e(a)), interim assistance pending receipt of supplemental security income, disability-related medical assistance under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), or disability-based State general assistance benefits, if the Secretary determines that such benefits are conditioned on meeting disability or blindness criteria at least as stringent as those used under title XVI of the Social Security Act;

(3) receives disability or blindness payments under title I, II, X, XIV, or XVI of the Social Security Act [42 U.S.C. 301 et seq., 401 et seq., 1201 et seq., 1351 et seq., 1381 et seq.] or receives disability retirement benefits from a governmental agency because of a disability considered permanent under section 221(i) of the Social Security Act (42 U.S.C. 421(i));

(4) is a veteran who—

(A) has a service-connected or non-service-connected disability which is rated as total under title 38; or

(B) is considered in need of regular aid and attendance or permanently housebound under such title;

(5) is a surviving spouse of a veteran and—

(A) is considered in need of regular aid and attendance or permanently housebound under title 38; or

(B) is entitled to compensation for a service-connected death or pension benefits for a non-service-connected death under title 38, and has a disability considered permanent under section 221(i) of the Social Security Act (42 U.S.C. 421(i));

(6) is a child of a veteran and—

(A) is considered permanently incapable of self-support under section 1314 of title 38; or

(B) is entitled to compensation for a service-connected death or pension benefits for a non-service-connected death under title 38, and has a disability considered permanent under section 221(i) of the Social Security Act (42 U.S.C. 421(i)); or

(7) is an individual receiving an annuity under section 2(a)(1)(iv) or 2(a)(1)(v) of the Railroad Retirement Act of 1974 (45 U.S.C. 231a(a)(1)(iv) or 231a(a)(1)(v)), if the individual's service as an employee under the Railroad Retirement Act of 1974 [45 U.S.C. 231 et seq.], after December 31, 1936, had been included in the term "employment" as defined in the Social Security Act [42 U.S.C. 301 et seq.], and if an application for disability benefits had been filed.

(k) "Food" means (1) any food or food product for home consumption except alcoholic beverages, tobacco, and hot foods or hot food products ready for immediate consumption other than those authorized pursuant to clauses (3), (4), (5), (7), (8), and (9) of this subsection, (2) seeds and plants for use in gardens to produce food for the personal consumption of the eligible household, (3) in the case of those persons who are sixty years of age or over or who receive supplemental security income benefits or dis-

ability or blindness payments under title I, II, X, XIV, or XVI of the Social Security Act [42 U.S.C. 301 et seq., 401 et seq., 1201 et seq., 1351 et seq., 1381 et seq.], and their spouses, meals prepared by and served in senior citizens' centers, apartment buildings occupied primarily by such persons, public or private nonprofit establishments (eating or otherwise) that feed such persons, private establishments that contract with the appropriate agency of the State to offer meals for such persons at concessional prices, and meals prepared for and served to residents of federally subsidized housing for the elderly, (4) in the case of persons sixty years of age or over and persons who are physically or mentally handicapped or otherwise so disabled that they are unable adequately to prepare all of their meals, meals prepared for and delivered to them (and their spouses) at their home by a public or private nonprofit organization or by a private establishment that contracts with the appropriate State agency to perform such services at concessional prices, (5) in the case of narcotics addicts or alcoholics, and their children, served by drug addiction or alcoholic treatment and rehabilitation programs, meals prepared and served under such programs, (6) in the case of certain eligible households living in Alaska, equipment for procuring food by hunting and fishing, such as nets, hooks, rods, harpoons, and knives (but not equipment for purposes of transportation, clothing, or shelter, and not firearms, ammunition, and explosives) if the Secretary determines that such households are located in an area of the State where it is extremely difficult to reach stores selling food and that such households depend to a substantial extent upon hunting and fishing for subsistence, (7) in the case of disabled or blind recipients of benefits under title I, II, X, XIV, or XVI of the Social Security Act [42 U.S.C. 301 et seq., 401 et seq., 1201 et seq., 1351 et seq., 1381 et seq.], or are³ individuals described in paragraphs (2) through (7) of subsection (j) of this section, 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 U.S.C. 1382e(e)] or under standards determined by the Secretary to be comparable to standards implemented by appropriate State agencies under such section, meals prepared and served under such arrangement, (8) in the case of women and children temporarily residing in public or private nonprofit shelters for battered women and children, meals prepared and served, by such shelters, and (9) in the case of households that do not reside in permanent dwellings and households that have no fixed mailing addresses, meals prepared for and served by a public or private nonprofit establishment (approved by an appropriate State or local agency) that feeds such individuals and by private establishments that contract with the appropriate agency of the State to offer meals for such individuals at concessional prices.

(l) "Supplemental nutrition assistance program" means the program operated pursuant to the provisions of this chapter.

³ So in original. The word "are" probably should not appear.

(m) “Homeless individual” means—

(1) an individual who lacks a fixed and regular nighttime residence; or

(2) an individual who has a primary nighttime residence that is—

(A) a supervised publicly or privately operated shelter (including a welfare hotel or congregate shelter) designed to provide temporary living accommodations;

(B) an institution that provides a temporary residence for individuals intended to be institutionalized;

(C) a temporary accommodation for not more than 90 days in the residence of another individual; or

(D) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(n)(1) “Household” means—

(A) an individual who lives alone or who, while living with others, customarily purchases food and prepares meals for home consumption separate and apart from the others; or

(B) a group of individuals who live together and customarily purchase food and prepare meals together for home consumption.

(2) Spouses who live together, parents and their children 21 years of age or younger who live together, and children (excluding foster children) under 18 years of age who live with and are under the parental control of a person other than their parent together with the person exercising parental control shall be treated as a group of individuals who customarily purchase and prepare meals together for home consumption even if they do not do so.

(3) Notwithstanding paragraphs (1) and (2), an individual who lives with others, who is sixty years of age or older, and who is unable to purchase food and prepare meals because such individual suffers, as certified by a licensed physician, from a disability which would be considered a permanent disability under section 221(i) of the Social Security Act (42 U.S.C. 421(i)) or from a severe, permanent, and disabling physical or mental infirmity which is not symptomatic of a disease shall be considered, together with any of the others who is the spouse of such individual, an individual household, without regard to the purchase of food and preparation of meals, if the income (as determined under section 2014(d) of this title) of the others, excluding the spouse, does not exceed the poverty line, as described in section 2014(c)(1) of this title, by more than 65 per centum.

(4) In no event shall any individual or group of individuals constitute a household if they reside in an institution or boarding house, or else live with others and pay compensation to the others for meals.

(5) For the purposes of this subsection, the following persons shall not be considered to be residents of institutions and shall be considered to be individual households:

(A) Residents of federally subsidized housing for the elderly, disabled or blind recipients of benefits under title I, II, X, XIV, or XVI of the Social Security Act [42 U.S.C. 301 et seq., 401 et seq., 1201 et seq., 1351 et seq., 1381 et seq.].

(B) Individuals described in paragraphs (2) through (7) of subsection (j) of this section, 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 U.S.C. 1382e(e)] or under standards determined by the Secretary to be comparable to standards implemented by appropriate State agencies under that section.

(C) Temporary residents of public or private nonprofit shelters for battered women and children.

(D) Residents of public or private nonprofit shelters for individuals who do not reside in permanent dwellings or have no fixed mailing addresses, who are otherwise eligible for benefits.

(E) Narcotics addicts or alcoholics, together with their children, who live under the supervision of a private nonprofit institution, or a publicly operated community mental health center, for the purpose of regular participation in a drug or alcoholic treatment program.

(o) “Reservation” means the geographically defined area or areas over which a tribal organization exercises governmental jurisdiction.

(p) “Retail food store” means—

(1) an establishment or house-to-house trade route that sells food for home preparation and consumption and—

(A) offers for sale, on a continuous basis, a variety of foods in each of the 4 categories of staple foods specified in subsection (r)(1) of this section, including perishable foods in at least 2 of the categories; or

(B) has over 50 percent of the total sales of the establishment or route in staple foods,

as determined by visual inspection, sales records, purchase records, counting of stock-keeping units, or other inventory or accounting recordkeeping methods that are customary or reasonable in the retail food industry;

(2) an establishment, organization, program, or group living arrangement referred to in paragraphs (3), (4), (5), (7), (8), and (9) of subsection (k);

(3) a store purveying the hunting and fishing equipment described in subsection (k)(6); and

(4) any private nonprofit cooperative food purchasing venture, including those in which the members pay for food purchased prior to the receipt of such food.

(q) “Secretary” means the Secretary of Agriculture.

(r)(1) Except as provided in paragraph (2), “staple foods” means foods in the following categories:

(A) Meat, poultry, or fish.

(B) Bread or cereals.

(C) Vegetables or fruits.

(D) Dairy products.

(2) “Staple foods” do not include accessory food items, such as coffee, tea, cocoa, carbonated and uncarbonated drinks, candy, condiments, and spices.

(s) “State” means the fifty States, the District of Columbia, Guam, the Virgin Islands of the United States, and the reservations of an Indian tribe whose tribal organization meets the requirements of this chapter for participation as a State agency.

(t) “State agency” means (1) the agency of State government, including the local offices thereof, which has the responsibility for the administration of the federally aided public assistance programs within such State, and in those States where such assistance programs are operated on a decentralized basis, the term shall include the counterpart local agencies administering such programs, and (2) the tribal organization of an Indian tribe determined by the Secretary to be capable of effectively administering a food distribution program under section 2013(b) of this title or a supplemental nutrition assistance program under section 2020(d) of this title.

(u) “Thrifty food plan” means the diet required to feed a family of four persons consisting of a man and a woman twenty through fifty, a child six through eight, and a child nine through eleven years of age, determined in accordance with the Secretary’s calculations. The cost of such diet shall be the basis for uniform allotments for all households regardless of their actual composition, except that the Secretary shall—

(1) make household-size adjustments (based on the unrounded cost of such diet) taking into account economies of scale;

(2) make cost adjustments in the thrifty food plan for Hawaii and the urban and rural parts of Alaska to reflect the cost of food in Hawaii and urban and rural Alaska;

(3) make cost adjustments in the separate thrifty food plans for Guam, and the Virgin Islands of the United States to reflect the cost of food in those States, but not to exceed the cost of food in the fifty States and the District of Columbia; and

(4) on October 1, 1996, and each October 1 thereafter, adjust the cost of the diet to reflect the cost of the diet in the preceding June, and round the result to the nearest lower dollar increment for each household size, except that on October 1, 1996, the Secretary may not reduce the cost of the diet in effect on September 30, 1996, and except that on October 1, 2003, in the case of households residing in Alaska and Hawaii the Secretary may not reduce the cost of such diet in effect on September 30, 2002.

(v) “Tribal organization” means the recognized governing body of an Indian tribe (including the tribally recognized intertribal organization of such tribes), as the term “Indian tribe” is defined in the Indian Self-Determination Act (25 U.S.C. 450b(b)), as well as any Indian tribe, band, or community holding a treaty with a State government.

(Pub. L. 88-525, § 3, Aug. 31, 1964, 78 Stat. 703; Pub. L. 91-671, § 2, Jan. 11, 1971, 84 Stat. 2048; Pub. L. 92-603, title IV, § 411(a), (b), Oct. 30, 1972, 86 Stat. 1491; Pub. L. 93-86, § 3(a)-(c), (l), (o), (p), Aug. 10, 1973, 87 Stat. 246, 248, 249; Pub. L. 93-125, § 1(h), Oct. 18, 1973, 87 Stat. 450; Pub. L. 94-339, § 4,

July 5, 1976, 90 Stat. 801; Pub. L. 95-113, title XIII, §§ 1301, 1302(a)(1), Sept. 29, 1977, 91 Stat. 958, 979; Pub. L. 96-58, §§ 3, 7, Aug. 14, 1979, 93 Stat. 390, 392; Pub. L. 96-181, § 15(b), Jan. 2, 1980, 93 Stat. 1316; Pub. L. 96-249, title I, §§ 101(a), 111, 135, May 26, 1980, 94 Stat. 357, 360, 369; Pub. L. 97-35, title I, §§ 101-103, 108(a), 116(a)(1), Aug. 13, 1981, 95 Stat. 358, 361, 364; Pub. L. 97-98, title XII, §§ 1302-1304, Dec. 22, 1981, 95 Stat. 1282; Pub. L. 97-253, title I, §§ 142, 143(a), 144, 145(a), (b), Sept. 8, 1982, 96 Stat. 772-774; Pub. L. 98-204, § 3, Dec. 2, 1983, 97 Stat. 1385; Pub. L. 99-198, title XV, §§ 1501(a), 1502-1504, Dec. 23, 1985, 99 Stat. 1566; Pub. L. 99-570, title XI, § 11002(a)-(c), Oct. 27, 1986, 100 Stat. 3207-167, 3207-168; Pub. L. 100-77, title VIII, §§ 801, 802(a), July 22, 1987, 101 Stat. 533, 534; Pub. L. 100-435, title I, § 120, title III, § 350, Sept. 19, 1988, 102 Stat. 1655, 1664; Pub. L. 101-624, title XVII, §§ 1712, 1713(a), 1747(b), Nov. 28, 1990, 104 Stat. 3783, 3796; Pub. L. 102-83, § 5(c)(2), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-237, title IX, §§ 901, 941(1), Dec. 13, 1991, 105 Stat. 1884, 1891; Pub. L. 102-351, § 1, Aug. 26, 1992, 106 Stat. 937; Pub. L. 103-66, title XIII, §§ 13931, 13932, Aug. 10, 1993, 107 Stat. 676; Pub. L. 103-225, title I, § 101(b)(1), title II, § 201, Mar. 25, 1994, 108 Stat. 107, 108; Pub. L. 103-354, title III, § 303(a), Oct. 13, 1994, 108 Stat. 3239; Pub. L. 104-193, title VIII, §§ 801-805, Aug. 22, 1996, 110 Stat. 2308, 2309; Pub. L. 107-171, title IV, §§ 4112(b)(1), 4115(b)(1), May 13, 2002, 116 Stat. 312, 315; Pub. L. 108-199, div. A, title VII, § 771(a), Jan. 23, 2004, 118 Stat. 40; Pub. L. 110-234, title IV, §§ 4001(b), 4115(b)(1), May 22, 2008, 122 Stat. 1092, 1105; Pub. L. 110-246, § 4(a), title IV, §§ 4001(b), 4115(b)(1), June 18, 2008, 122 Stat. 1664, 1853, 1866.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsecs. (c), (j), (k), and (n)(5)(A), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, which is classified generally to chapter 7 (§ 301 et seq.) of Title 42, The Public Health and Welfare. Titles I, II, X, XIV, XVI, XVIII, and XIX of the Social Security Act are classified generally to subchapters I (§ 301 et seq.), II (§ 401 et seq.), X (§ 1201 et seq.), XIV (§ 1351 et seq.), XVI (§ 1381 et seq.), XVIII (§ 1395 et seq.), and XIX (§ 1396 et seq.), respectively, of chapter 7 of Title 42. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

The Public Health Service Act, referred to in subsec. (h), is act July 1, 1944, ch. 373, 58 Stat. 682. Part B of title XIX of the Act is classified generally to part B (§ 300x et seq.) of subchapter XVII of chapter 6A of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 201 of Title 42 and Tables.

The Railroad Retirement Act of 1974, referred to in subsec. (j)(7), is act Aug. 29, 1935, ch. 812, as amended generally by Pub. L. 93-445, title I, § 101, Oct. 16, 1974, 88 Stat. 1305, which is classified generally to subchapter IV (§ 231 et seq.) of chapter 9 of Title 45, Railroads. For further details and complete classification of this Act to the Code, see Codification note set out preceding section 231 of Title 45, section 231t of Title 45, and Tables.

The Indian Self-Determination Act (25 U.S.C. 450b(b)), referred to in subsec. (v), probably means the Indian Self-Determination and Education Assistance Act, Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, which is classified principally to subchapter II (§ 450 et seq.) of chapter 14 of Title 25, Indians. Section 450b of Title 25 was amended generally by Pub. L. 100-472, title I, § 103, Oct. 5, 1988, 102 Stat. 2286, and, as so amended, subsec. (b) of such section no longer defines the term “Indian tribe”. However, such term is defined elsewhere in that section.

For complete classification of this Act to the Code, see Short Title note set out under section 450 of Title 25 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—Pub. L. 110-246, § 4115(b)(1)(M), redesignated subsecs. (a) to (v) as (b), (d), (f), (g), (e), (h), (k), (l), (n), (o), (p), (q), (s), (t), (u), (v), (c), (j), (m), (a), (r), and (i), respectively.

Subsec. (a). Pub. L. 110-246, § 4115(b)(1)(A), substituted “benefits” for “coupons”.

Subsec. (b). Pub. L. 110-246, § 4115(b)(1)(B), added subsec. (b) and struck out former subsec. (b) which read as follows: “‘Authorization card’ means the document issued by the State agency to an eligible household which shows the allotment the household is entitled to be issued.”

Subsec. (c). Pub. L. 110-246, § 4115(b)(1)(C), substituted “benefits” for “authorization cards” in first sentence.

Subsec. (d). Pub. L. 110-246, § 4115(b)(1)(D), struck out “or access device, including an electronic benefit transfer card or personal identification number, issued pursuant to the provisions of this chapter” before period at end.

Subsec. (e). Pub. L. 110-246, § 4115(b)(1)(E), inserted heading and substituted “The term ‘benefit issuer’ means” for “‘Coupon issuer’ means” and “benefits” for “coupons”.

Subsec. (g)(7). Pub. L. 110-246, § 4115(b)(1)(F), substituted “subsection (j)” for “subsection (r)”.

Subsec. (h). Pub. L. 110-246, § 4001(b), which directed the substitution of “supplemental nutrition assistance program” for “food stamp program” wherever appearing, was executed by substituting “Supplemental nutrition assistance program” for “Food stamp program”, to reflect the probable intent of Congress.

Subsec. (i)(5)(B). Pub. L. 110-246, § 4115(b)(1)(G)(i), substituted “subsection (j)” for “subsection (r)”.

Subsec. (i)(5)(D). Pub. L. 110-246, § 4115(b)(1)(G)(ii), substituted “benefits” for “coupons”.

Subsec. (j). Pub. L. 110-246, § 4115(b)(1)(H), struck out “(as that term is defined in subsection (p) of this section)” after “tribal organization”.

Subsec. (k)(1)(A). Pub. L. 110-246, § 4115(b)(1)(I)(i), substituted “subsection (r)(1)” for “subsection (u)(1)”.

Subsec. (k)(2). Pub. L. 110-246, § 4115(b)(1)(I)(ii), substituted “paragraphs (3), (4), (5), (7), (8), and (9) of subsection (k)” for “subsections (g)(3), (4), (5), (7), (8), and (9) of this section”.

Subsec. (k)(3). Pub. L. 110-246, § 4115(b)(1)(I)(iii), substituted “subsection (k)(6)” for “subsection (g)(6) of this section”.

Subsec. (n). Pub. L. 110-246, § 4001(b), substituted “supplemental nutrition assistance program” for “food stamp program”.

Subsec. (t). Pub. L. 110-246, § 4115(b)(1)(J), inserted “, including point of sale devices,” after “other means of access”.

Subsec. (u)(1). Pub. L. 110-246, § 4115(b)(1)(K), struck out “(as defined in subsection (g) of this section)” after “foods” in introductory provisions.

Subsec. (v). Pub. L. 110-246, § 4115(b)(1)(L), added subsec. (v).

2004—Subsec. (o)(4). Pub. L. 108-199 inserted before period at end “, and except that on October 1, 2003, in the case of households residing in Alaska and Hawaii the Secretary may not reduce the cost of such diet in effect on September 30, 2002”.

2002—Subsec. (c). Pub. L. 107-171, § 4115(b)(1), inserted at end “The limits specified in this subsection may be extended until the end of any transitional benefit period established under section 2020(s) of this title.”

Subsec. (i)(1). Pub. L. 107-171, § 4112(b)(1)(A), (B), designated first sentence as par. (1) and redesignated

former pars. (1) and (2) as subpars. (A) and (B) of par. (1), respectively.

Subsec. (i)(2). Pub. L. 107-171, § 4112(b)(1)(C), designated second sentence as par. (2). Former par. (2) redesignated subpar. (B) of par. (1).

Subsec. (i)(3). Pub. L. 107-171, § 4112(b)(1)(D), (E), designated third sentence as par. (3) and substituted “Notwithstanding paragraphs (1) and (2)” for “Notwithstanding the preceding sentences”.

Subsec. (i)(4). Pub. L. 107-171, § 4112(b)(1)(F), designated fourth sentence as par. (4).

Subsec. (i)(5). Pub. L. 107-171, § 4112(b)(1)(G), (H), designated fifth sentence as par. (5), substituted “For the purposes of this subsection, the following persons shall not be considered to be residents of institutions and shall be considered to be individual households:” for “For the purposes of this subsection,” restructured the remainder of that sentence into five sentences and designated them as subpars. (A) to (E) respectively, and struck out “shall not be considered residents of institutions and shall be considered individual households” at end.

1996—Subsec. (c). Pub. L. 104-193, § 801, substituted second and third sentences containing provisions relating to limits on certification period and requirement of yearly contact with household for provisions setting limits to certification period for households required to submit periodic reports, households whose members all receive federal assistance grant, households of unemployable, elderly or primarily self-employed individuals, and all other households, and allowing waivers.

Subsec. (d). Pub. L. 104-193, § 802, substituted “type of certificate, authorization card, cash or check issued in lieu of a coupon, or access device, including an electronic benefit transfer card or personal identification number,” for “or type of certificate”.

Subsec. (i). Pub. L. 104-193, § 803, in second sentence, struck out “(who are not themselves parents living with their children or married and living with their spouses)” after “age or younger”.

Subsec. (o). Pub. L. 104-193, § 804, in second sentence, substituted “the Secretary shall—” for “the Secretary shall”, realigned margins of pars. (1) to (3), substituted semicolon for comma at end of pars. (1) and (2) and “; and” for comma at end of par. (3), added par. (4), and struck out former pars. (4) to (11) which authorized adjustment of cost of thrifty food plan diet to reflect changes in cost of food constituting diet for period from Jan. 1, 1980, to Oct. 1, 1990, and each Oct. 1 thereafter, and prohibited Secretary from reducing cost of such diet on Oct. 1, 1992, and, in case of households residing in Alaska, on Oct. 1, 1994.

Subsec. (s)(2)(C). Pub. L. 104-193, § 805, inserted “for not more than 90 days” after “temporary accommodation”.

1994—Subsec. (c). Pub. L. 103-225, § 101(b)(1), substituted “Except as provided in section 2015(c)(1)(C) of this title, for” for “For”.

Subsec. (k). Pub. L. 103-225, § 201(1), realigned margins of pars. (1) to (4), substituted semicolon for comma at end of pars. (2) and (3), and substituted “means—” for “means” and par. (1) for former par. (1) which read as follows: “an establishment or recognized department thereof or house-to-house trade route, over 50 per centum of whose food sales volume, as determined by visual inspection, sales records, purchase records, or other inventory or accounting recordkeeping methods that are customary or reasonable in the retail food industry, consists of staple food items for home preparation and consumption, such as meat, poultry, fish, bread, cereals, vegetables, fruits, dairy products, and the like, but not including accessory food items, such as coffee, tea, cocoa, carbonated and uncarbonated drinks, candy, condiments, and spices.”

Subsec. (o)(11). Pub. L. 103-354 inserted “and (in the case of households residing in Alaska) on October 1, 1994,” after “1992.”

Subsec. (u). Pub. L. 103-225, § 201(2), added subsec. (u).

1993—Subsec. (g)(5). Pub. L. 103-66, § 13932(2), inserted “, and their children,” after “or alcoholics”.

Subsec. (i). Pub. L. 103-66, §13932(1), in last sentence inserted “, together with their children,” after “narcotics addicts or alcoholics”.

Pub. L. 103-66, §13931, in first sentence, substituted “or (2) a group of individuals” for “(2) a group of individuals” and substituted a period for “,” after end of cl. (2), inserted “Spouses who live together, parents and their children 21 years of age or younger (who are not themselves parents living with their children or married and living with their spouses) who live together, and children (excluding foster children) under 18 years of age who live with and are under the parental control of a person other than their parent together with the person exercising parental control” before “shall be treated as a group of individuals” to create new second sentence and struck out “, unless one of the parents, or siblings, is an elderly or disabled member” after “if they do not do so”, and in next sentence substituted “Notwithstanding the preceding sentences” for “Notwithstanding clause (1) of the preceding sentence”.

1992—Subsec. (o)(11). Pub. L. 102-351 inserted before period at end “, except that on October 1, 1992, the Secretary may not reduce the cost of such diet”.

1991—Subsecs. (g)(7), (i). Pub. L. 102-237, §901, inserted “, or are individuals described in paragraphs (2) through (7) of subsection (r) of this section,” after “title I, II, X, XIV, or XVI of the Social Security Act”.

Subsec. (j). Pub. L. 102-237, §941(1)(A), made technical amendment to reference to subsection (p) of this section involving corresponding provision of original act.

Subsec. (o)(6). Pub. L. 102-237, §941(1)(B), substituted “percent” for “per centun” [sic].

Subsec. (r)(6)(A). Pub. L. 102-83 substituted “section 1314 of title 38” for “section 414 of title 38”.

Subsecs. (t), (u). Pub. L. 102-237, §941(1)(C), redesignated subsec. (u) as (t).

1990—Subsec. (g)(3). Pub. L. 101-624, §1712(a)(1), substituted “or disability or blindness payments under title I, II, X, XIV, or XVI” for “under title XVI”.

Subsec. (g)(7). Pub. L. 101-624, §1712(a)(2), substituted “title I, II, X, XIV, or XVI” for “title II or title XVI”, and inserted “or under standards determined by the Secretary to be comparable to standards implemented by appropriate State agencies under such section”.

Subsec. (g)(9). Pub. L. 101-624, §1713(a), substituted “individuals and by private establishments that contract with the appropriate agency of the State to offer meals for such individuals at concessional prices” for “individuals and by a public or private nonprofit shelter (approved by an appropriate State or local agency) in which such households temporarily reside (except that such establishments and shelters may only request voluntary use of food stamps by such individuals and may not request such households to pay more than the average cost of the food contained in a meal served by the establishment or shelter).”

Subsec. (i). Pub. L. 101-624, §1712(b), substituted “title I, II, X, XIV, or XVI” for “title II or title XVI”, and inserted “or under standards determined by the Secretary to be comparable to standards implemented by appropriate State agencies under such section”.

Subsec. (u). Pub. L. 101-624, §1747(b), added subsec. (u).

1988—Subsec. (o). Pub. L. 100-435, §120, inserted “through October 1, 1987” in cl. (8) and substituted cls. (9) to (11) for proviso that periods upon which adjustments are based would be subject to revision by Act of Congress.

Subsec. (r)(2). Pub. L. 100-435, §350, amended par. (2) generally. Prior to amendment, par. (2) read as follows: “receives supplemental security income benefits under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), federally or State administered supplemental benefits of the type described in section 1616(a) of the Social Security Act if the Secretary determines that such benefits are conditioned on meeting the disability or blindness criteria used under title XVI of the Social Security Act, or federally or State administered supplemental benefits of the type described in section 212(a) of Public Law 93-66 (42 U.S.C. 1382 note);”.

1987—Subsec. (i). Pub. L. 100-77, §802(a), substituted “(2)” for “or (2)”, inserted cl. (3), and inserted “(other than as provided in clause (3))” after “except that”.

Subsec. (s). Pub. L. 100-77, §801, added subsec. (s).

1986—Subsec. (g). Pub. L. 99-570, §11002(a), substituted “(8), and (9)” for “and (8)” in cl. (1) and added cl. (9).

Subsec. (i). Pub. L. 99-570, §11002(b), inserted “residents of public or private nonprofit shelters for individuals who do not reside in permanent dwellings or have no fixed mailing addresses, who are otherwise eligible for coupons,”.

Subsec. (k). Pub. L. 99-570, §11002(c), substituted “(8), and (9)” for “and (8)”.

1985—Subsec. (f). Pub. L. 99-198, §1501(a)(1), substituted “, or a publicly operated community mental health center, under part B of title XIX of the Public Health Service Act (42 U.S.C. 300x et seq.) to provide” for “which is certified by the State agency or agencies designated by the Governor as responsible for the administration of the State’s programs for alcoholics and drug addicts pursuant to Public Law 91-616 (Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970) and Public Law 92-255 (Drug Abuse Prevention, Treatment, and Rehabilitation Act) as providing”.

Subsec. (i). Pub. L. 99-198, §1501(a)(2), inserted “, or a publicly operated community mental health center,” after “private nonprofit institution” in last sentence.

Subsec. (k). Pub. L. 99-198, §1502, inserted “, as determined by visual inspection, sales records, purchase records, or other inventory or accounting record-keeping methods that are customary or reasonable in the retail food industry,” in cl. (1).

Subsec. (o). Pub. L. 99-198, §1503, substituted “fifty” for “fifty-four”.

Subsec. (r)(2). Pub. L. 99-198, §1504(1), inserted “, federally or State administered supplemental benefits of the type described in section 1616(a) of the Social Security Act [42 U.S.C. 1382e(a)] if the Secretary determines that such benefits are conditioned on meeting the disability or blindness criteria used under title XVI of the Social Security Act, or federally or State administered supplemental benefits of the type described in section 212(a) of Public Law 93-66 (42 U.S.C. 1382 note)”.

Subsec. (r)(3). Pub. L. 99-198, §1504(2), inserted “or receives disability retirement benefits from a governmental agency because of a disability considered permanent under section 221(i) of the Social Security Act (42 U.S.C. 421(i))”.

Subsec. (r)(4)(A). Pub. L. 99-198, §1504(3), inserted “or non-service-connected” after “service-connected”.

Subsec. (r)(7). Pub. L. 99-198, §1504(4)-(6), added par. (7).

1983—Subsec. (c). Pub. L. 98-204, §3(1), substituted “the foregoing limits on the certification period may, with the approval of the Secretary, be waived by a State agency for certain categories of households where such waiver will improve the administration of the program” for “the limit of twelve months may be waived by the Secretary to improve the administration of the program” in provisions preceding par. (1).

Subsec. (c)(2). Pub. L. 98-204, §3(2), inserted provision that “The maximum limit of twelve months for such period under the foregoing proviso may be waived by the Secretary where such waiver will improve the administration of the program.”

1982—Subsec. (i). Pub. L. 97-253, §§142, 145(b), substituted “except that parents and children, or siblings, who live together shall be treated as a group of individuals who customarily purchase and prepare meals together for home consumption even if they do not do so, unless one of the parents, or siblings, is an elderly or disabled member” for “except that parents and children who live together shall be treated as a group of individuals who customarily purchase and prepare meals together for home consumption even if they do not do so, unless one of the parents is sixty years of age or older, or receives supplemental security income benefits under title XVI of the Social Security Act or disability or blindness payments under title I, II, X, XIV,

or XVI of the Social Security Act", and inserted provision that notwithstanding cl. (1) of the preceding sentence, an individual who lives with others, who is sixty years of age or older, and who is unable to purchase food and prepare meals because such individual suffers, as certified by a licensed physician, from a disability which would be considered a permanent disability under section 221(i) of the Social Security Act (42 U.S.C. 421(i)) or from a severe, permanent, and disabling physical or mental infirmity which is not symptomatic of a disease shall be considered, together with any of the others who is the spouse of such individual, an individual household, without regard to the purchase of food and preparation of meals, if the income (as determined under section 2014(d) of this title) of the others, excluding the spouse, does not exceed the poverty line, as described in section 2014(c)(1) of this title, by more than 65 per centum.

Subsec. (o)(1). Pub. L. 97-253, §143(a)(1), substituted "adjustments (based on the unrounded cost of such diet)" for "adjustments".

Subsec. (o)(6). Pub. L. 97-253, §§143(a)(2), 144, substituted provisions requiring the Secretary, on Oct. 1, 1982, to adjust the cost of the diet to reflect changes in the cost of the thrifty food plan for the twenty-one months ending June 30, 1982, reduce the cost of such diet by one per centum, and round the result to the nearest lower dollar increment for each household size for former provision requiring the Secretary, on Oct. 1, 1982, to adjust the cost of such diet to the nearest dollar increment to reflect the changes in the cost of the thrifty food plan for the twenty-one months ending on June 30, 1982.

Subsec. (o)(7). Pub. L. 97-253, §§143(a)(2), 144, substituted provisions requiring the Secretary, on Oct. 1, 1983, and Oct. 1, 1984, to adjust the cost of the diet to reflect changes in the cost of the thrifty food plan for the twelve months ending the preceding June 30, reduce the cost of such diet by one per centum, and round the result to the nearest lower dollar increment for each household size for former provision requiring the Secretary, on Oct. 1, 1983, and each Oct. 1 thereafter, to adjust the cost of such diet to the nearest dollar increment to reflect changes in the cost of the thrifty food plan for the twelve months ending the preceding June 30.

Subsec. (o)(8). Pub. L. 97-253, §§143(a)(2), 144, added and amended par. (8).

Subsec. (r). Pub. L. 97-253, §145(a), added subsec. (r). 1981—Subsec. (c). Pub. L. 97-35, §108(a), inserted provisions respecting waiver of twelve-month period for improvement of program.

Subsec. (i). Pub. L. 97-98, §1302, inserted provision relating to supplemental security income benefits under title XVI of the Social Security Act or disability or blindness payments under title I, II, X, XIV, or XVI of the Social Security Act.

Pub. L. 97-35, §§101, 102, inserted provisions relating to treatment as a group of parents and children who live together, and restructured provisions respecting living with others and paying compensation for meals.

Subsec. (m). Pub. L. 97-35, §116(a)(1), struck out reference to Puerto Rico.

Subsec. (o). Pub. L. 97-98, §§1303, 1304, substituted in cl. (2) "Hawaii and the urban and rural parts of Alaska to reflect the cost of food in Hawaii and urban and rural Alaska" for "Alaska and Hawaii to reflect the cost of food in those States", in cl. (6) provision that on Oct. 1, 1982, the Secretary adjust the cost of such diet to reflect changes for the twenty-one months ending the preceding June 30, 1982, for provision that on Apr. 1, 1982, the Secretary adjust the cost of such diet to reflect changes for the fifteen months ending the preceding Dec. 31, in cl. (7) provision that on Oct. 1, 1983, and each Oct. 1 thereafter, the Secretary adjust the cost of such diet to reflect changes for the twelve months ending the preceding June 30, for provision that on July 1, 1983, the Secretary adjust the cost of such diet to reflect changes for the fifteen months ending the preceding Mar. 31, struck out cl. (8) which provided that on

Oct. 1, 1984, the Secretary adjust the cost of such diet to reflect changes for the fifteen months ending the preceding June 30, and struck out cl. (9) which provided that on Oct. 1, 1985, and each Oct. 1 thereafter, the Secretary adjust the cost of such diet to reflect changes for the twelve months ending the preceding June 30, and, as of every Jan. 1 thereafter, for the nine months ending the preceding Sept. 30 and the subsequent three months ending Dec. 31 as projected by the Secretary in light of the best available data, and inserted provision that the periods upon which adjustments are based be subject to revision by Act of Congress.

Pub. L. 97-35, §§103, 116(a)(1) struck out applicability to Puerto Rico in clause (3), substituted provisions respecting adjustments on Apr. 1, 1982, for provisions respecting adjustments on Jan. 1, 1982, in cl. (6), and added cls. (7) to (9).

1980—Subsec. (c). Pub. L. 96-249, §111, inserted provisions requiring that for those households that are required to submit periodic reports under section 2015(c)(1) of this title, the certification period be at least six months but no longer than twelve months.

Subsec. (f). Pub. L. 96-181 substituted "Drug Abuse Prevention, Treatment, and Rehabilitation Act" for "Drug Abuse Office and Treatment Act of 1972".

Subsec. (g). Pub. L. 96-249, §101(a)(1)-(3), substituted "(7), and (8)" for "and (7)" in cl. (1) and added cl. (8).

Subsec. (i). Pub. L. 96-249, §101(a)(4), inserted "temporary residents of public or private nonprofit shelters for battered women and children," after "section 1616(e) of the Social Security Act."

Subsec. (k)(2). Pub. L. 96-249, §101(a)(5), substituted "(7), and (8)" for "and (7)".

Subsec. (o). Pub. L. 96-249, §135, inserted "through January 1, 1980," before "adjust the cost" in cl. (4) and added cls. (5) and (6).

1979—Subsec. (g). Pub. L. 96-58, §7(1)-(3), substituted "clauses (3), (4), (5), and (7)" for "clauses (3), (4), and (5)" and added cl. (7) relating to disabled or blind recipients of benefits who are residents in certain public or private nonprofit group living arrangements.

Subsec. (i). Pub. L. 96-58, §7(4), (5), inserted provisions relating to disabled or blind recipients of benefits who are residents in certain public or private nonprofit group living arrangements and inserted provisions that all residents of federally subsidized housing for the elderly, disabled or blind recipients of benefits, and narcotic addicts or alcoholics who live under the supervision of a private nonprofit institution for the purpose of regular participation in a drug or alcoholic treatment program be considered individual households.

Subsec. (k). Pub. L. 96-58, §7(6), inserted reference to group living arrangements referred to in subsec. (g)(7) of this section in cl. (2).

Subsec. (q). Pub. L. 96-58, §3, added subsec. (q).

1977—Pub. L. 95-113 redefined terms "Secretary", "food", "coupon", "household", "retail food store", "State agency", "State", "food stamp program", and "drug addiction or alcoholic treatment and rehabilitation program" and changed designations of those terms, as thus redefined, from subsecs. (a), (b), (c), (e), (f), (h), (j), (k), and (n), respectively, to (l), (g), (d), (i), (k), (n), (m), (h), and (f), substituted definitions of "allotment", "authorization card", and "coupon issuer" for "coupon allotment", "authorization to purchase card", and "coupon vendor", respectively, and changed designations of those terms as thus substituted from subsecs. (d), (m), and (o), respectively, to (a), (b), and (e), struck out definitions of "wholesale food concern", "bank", and "elderly person" which had been set out, respectively, in subsecs. (g), (i), and (l), and inserted definitions of "certification period", "reservation", "thrifty food plan", and "tribal organization" in subsecs. (c), (j), (o), and (p), respectively.

1976—Subsec. (o). Pub. L. 94-339 added subsec. (o).

1973—Subsec. (b). Pub. L. 93-86, §3(l), substituted "home" for "human" and substituted provisions including in definition of "food" seeds and plants for use in gardens to produce food for the personal consumption of the eligible household, for provisions excluding

from such definition foods identified on the package as imported and imported meat and meat products.

Subsec. (e). Pub. L. 93-125 substituted “foregoing” for “foregoing”.

Pub. L. 93-86, §3(a), (b), (p), inserted provision of cl. (3) relating to inclusion of narcotic addict or alcoholic within definition of “household” and provision relating to residents of federally subsidized housing for the elderly, and substituted provisions relating to the treatment of individuals receiving supplemental security income benefits under subchapter XVI of chapter 7 of title 42, for provisions relating to the treatment of persons eligible to receive supplemental security income benefits under subchapter XVI of chapter 7 of title 42.

Subsec. (f). Pub. L. 93-86, §3(o), inserted references to nonprofit institution and section 2019(i) of this title.

Subsec. (n). Pub. L. 93-86, §3(c), added subsec. (n).

1972—Subsec. (e). Pub. L. 92-603, §411(a), inserted provision that persons eligible or would be eligible to receive supplemental security income benefits under sections 1381 to 1383c of Title 42, may not be considered as members of a household or elderly persons under this chapter.

Subsec. (h). Pub. L. 92-603, §411(b), substituted provisions defining State agency as the agency designated by the Secretary for carrying out this chapter in such state, for provisions defining it as the agency having the responsibility for the administration of the federally aided public assistance program.

1971—Subsec. (e). Pub. L. 91-671, §2(a), substituted in definition of “household”, “related individuals (including legally adopted children and legally assigned foster children) or non-related individuals over age 60 who are not residents” for “related or non-related individuals, who are not residents”, designated existing provisions as cl. (1), and added cl. (2).

Subsec. (f). Pub. L. 91-671, §2(b), included in definition of “retail food store” a political subdivision or a private nonprofit organization that meets requirements of section 2019(h) of this title.

Subsec. (j). Pub. L. 91-671, §2(c), included in definition of “State” Guam, Puerto Rico, and the Virgin Islands.

Subsec. (l). Pub. L. 91-671, §2(d), added subsec. (l).

Subsec. (m). Pub. L. 91-671, §2(e), added subsec. (m).

CHANGE OF NAME

Pub. L. 110-234, title IV, §4002(c), May 22, 2008, 122 Stat. 1098, and Pub. L. 110-246, §4(a), title IV, §4002(c), June 18, 2008, 122 Stat. 1664, 1859, provided that: “Any reference in any Federal, State, tribal, or local law (including regulations) to the ‘food stamp program’ established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) shall be considered to be a reference to the ‘supplemental nutrition assistance program’ established under that Act.”

[Pub. L. 110-234 and Pub. L. 110-246 enacted identical provisions. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246, set out as a note under section 8701 of this title.]

Pub. L. 110-234, title IV, §4115(d), May 22, 2008, 122 Stat. 1110, and Pub. L. 110-246, §4(a), title IV, §4115(d), June 18, 2008, 122 Stat. 1664, 1871, provided that: “Any reference in any Federal, State, tribal, or local law (including regulations) to a ‘coupon’, ‘authorization card’, or other access device provided under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) shall be considered to be a reference to a ‘benefit’ provided under that Act.”

[Pub. L. 110-234 and Pub. L. 110-246 enacted identical provisions. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246, set out as a note under section 8701 of this title.]

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) and 4115(b)(1) 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 2004 AMENDMENT

Pub. L. 108-199, div. A, title VII, §771(b), Jan. 23, 2004, 118 Stat. 40, provided that: “The amendment made by subsection (a) [amending this section] shall be effective beginning on September 30, 2003.”

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-171 effective Oct. 1, 2002, except as otherwise provided, see section 4405 of Pub. L. 107-171, set out as an Effective Date note under section 1161 of Title 2, The Congress.

EFFECTIVE DATE OF 1994 AMENDMENT

Section 303(b) of Pub. L. 103-354 provided that: “The amendment made by subsection (a) [amending this section] shall be effective beginning on September 30, 1994.”

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-66 effective, and to be implemented beginning on, Sept. 1, 1994, see section 13971(b)(4) of Pub. L. 103-66, set out as a note under section 2025 of this title.

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 1990 AMENDMENT

Section 1781 of title XVII of Pub. L. 101-624 provided that:

“(a) IN GENERAL.—Except as otherwise provided in subsection (b) and other provisions of this title, this title [see Short Title of 1990 Amendment note set out under section 2011 of this title] and the amendments made by this title shall become effective and implemented the 1st day of the month beginning 120 days after the publication of implementing regulations. Such regulations shall be promulgated not later than October 1, 1991.

“(b) SPECIAL EFFECTIVE DATES.—

“(1) OCTOBER 1, 1990.—The amendments made by sections 1721, 1730, 1750, 1754, 1760(1)(A), 1761, 1762, 1771(a), 1771(d), 1772(c), 1772(f), 1772(g), and 1776 [amending sections 2014, 2017, 2025 to 2028, 3175, and 3175e of this title and provisions set out as notes under section 612c of this title] shall be effective on October 1, 1990.

“(2) DATE OF ENACTMENT.—The amendments made by sections 1718, 1729, 1731, 1739, 1742, 1746, 1747, 1748, 1749, 1751, 1753, 1755, 1756, 1757, 1758, 1759, 1760(1)(B) and (2), 1763, 1771(b), 1771(c), 1772(a), 1772(b), 1772(d), 1772(h), 1773, 1774(a)(1), 1774(b), 1774(c), 1775(a), 1775(b), 1777, 1778, and 1779 [enacting section 2032 of this title, amending this section, sections 1431, 1431e, 2014, 2016, 2020, 2022, and 2024 to 2027 of this title and section 9904 of Title 42, The Public Health and Welfare, enacting provisions set out as notes under sections 2011, 2020, and 2025 of this title and section 1751 of Title 42, and amending provisions set out as notes under section 612c of this title] shall become effective on the date of enactment of this Act [Nov. 28, 1990].

“(3) APRIL 1, 1991.—The amendments made by sections 1716, 1722, and 1736(2) [amending sections 2014 and 2020 of this title] shall become effective and implemented the 1st day of the month beginning 120 days after the promulgation of implementing regulations. Such regulations shall be promulgated not later than April 1, 1991.

“(4) CATEGORICAL ELIGIBILITY.—The amendment made by section 1714(2) [amending section 2014 of this title] shall become effective and implemented the 1st

day of the month beginning 120 days after the promulgation of implementing regulations. Such regulations shall be promulgated—

“(A) in the case of a State general assistance program, not later than October 1, 1991; and

“(B) in the case of a local general assistance program, not later than April 1, 1992.”

EFFECTIVE DATE OF 1988 AMENDMENT

Pub. L. 100-435, title VII, §701, Sept. 19, 1988, 102 Stat. 1677, as amended by Pub. L. 100-619, §1, Nov. 5, 1988, 102 Stat. 3198; Pub. L. 110-234, title IV, §4002(b)(1)(A), (B), (2)(A), May 22, 2008, 122 Stat. 1095, 1096; Pub. L. 110-246, §4(a), title IV, §4002(b)(1)(A), (B), (2)(A), June 18, 2008, 122 Stat. 1664, 1857, 1858, provided that:

“(a) IN GENERAL.—Except as otherwise provided for in section 503 [set out as a note under section 1766 of Title 42, The Public Health and Welfare] and in subsection (b) of this section, this Act and the amendments made by this Act [amending sections 2012, 2014 to 2017, 2020 to 2023, 2025, and 2026 of this title, section 713a-14 of Title 15, Commerce and Trade, and sections 1761, 1766, 1773, and 1786 of Title 42, enacting provisions set out as notes under sections 612c and 2011 of this title and sections 1766 and 1786 of Title 42, and amending provisions set out as notes under sections 612c, 1731, and 2012 of this title] shall become effective and be implemented on October 1, 1988.

“(b) SPECIAL RULES.—

“(1) The amendments made by sections 101, 103, 301, 321(c), 343, and 401 [amending sections 2014 and 2025 of this title and amending provisions set out as a note under section 612c of this title] shall become effective and be implemented on the date of enactment of this Act [Sept. 19, 1988].

“(2) The amendments made by section 402 [amending section 2014 of this title] shall become effective and be implemented on January 1, 1989.

“(3)(A) The amendments made by section 203(a) [amending section 2017 of this title] shall become effective on January 1, 1989, and the States shall implement such section by January 1, 1990.

“(B) The amendments made by section 203(b) [amending section 2016 of this title] shall become effective on January 1, 1989, except with regards to those States not implementing section 203(a).

“(4) The amendments made by sections 204, 210, 211, subsections (a)(1), (c), and (e) of section 404, sections 310 through 343, and sections 345 through 352 [amending sections 2012, 2014, 2015, 2020, and 2025 of this title and sections 1766 and 1773 of Title 42] shall become effective and implemented on July 1, 1989.

“(5) The amendments made by title VI [amending sections 2022, 2023, and 2025 of this title] shall be effective as follows:

“(A) Except as provided in subparagraph (D), the provisions of section 16(c) of the Food and Nutrition Act of 2008, as amended by section 604 [section 2025(c) of this title], shall become effective on October 1, 1985, with respect to claims under section 16(c) for quality control review periods after such date, except that—

“(i) the provisions of section 16(c)(1)(A), as amended, shall become effective on October 1, 1988, with respect to payment error rates for quality control review periods after such date; and

“(ii) the provisions of section 16(c)(3), as amended, shall become effective on October 1, 1988, with respect to payment error rates for quality control review periods after such date.

“(B) The amendments made by sections 601 and 602 [amending section 2022 of this title] shall become effective on October 1, 1985, with respect to claims under section 16(c) for quality control review periods after such date.

“(C) Except as provided in subparagraph (D), the amendments made to section 14 of the Food and Nutrition Act of 2008 [section 2023 of this title] by section 603 shall become effective on October 1, 1985, with respect to claims under section 16(c) for quality control review periods after such date.

“(D)(i) The provisions of sections 13, 14, and 16 of the Food and Nutrition Act of 2008 [sections 2022, 2023, and 2025 of this title] that relate to claims against State agencies and that were in effect for any quality control review period or periods through fiscal year 1985 shall remain in effect for claims arising with respect to such period or periods.

“(ii) The provisions of sections 14 and 16(c) of the Food and Nutrition Act of 2008 that relate to enhanced administrative funding for State agencies and that were in effect for any quality control review period or periods through fiscal year 1988 shall remain in effect for such funding with respect to such period or periods.

“(c) SEQUESTRATION.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, if a final order is issued for fiscal year 1989 under section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(b)), the amount made available to carry out the supplemental nutrition assistance program under section 18 of the Food and Nutrition Act of 2008 (7 U.S.C. 2027) shall be reduced by an amount equal to \$110,000,000 multiplied by the amount of the percentage reduction for domestic programs required under such order. The reduction required by the preceding sentence shall be achieved by reducing the amount of the adjustment to the cost of the thrifty food plan for fiscal year 1989 under section 3(o)(9) of the Food and Nutrition Act of 2008 (as added by section 120 of this Act) [section 2012(o)(9) of this title].

“(2) EFFECTIVE DATES IF SEQUESTRATION OCCURS.—Notwithstanding subsections (a) and (b), if a final order is issued under section 252(b) of the Emergency Deficit Control Act of 1985 (2 U.S.C. 902(b)) for fiscal year 1989 to make reductions and sequestrations specified in the report required under section 251(a)(3)(A) of such Act [2 U.S.C. 901(a)(3)(A)], sections 111, 201, 204, 310, 311, 321, 322, 323, 341, 342, 350, 351, 352, 402, 403, 404, 502, 504, and 505 [amending sections 2012, 2014, 2015, 2020, 2025, and 2026 of this title and enacting provisions set out as notes under section 612c of this title] shall become effective and be implemented on October 1, 1989.”

EFFECTIVE DATE OF 1987 AMENDMENT

Section 802(b) of Pub. L. 100-77 provided that: “The amendments made by this section [amending this section] shall become effective on October 1, 1987.”

EFFECTIVE AND TERMINATION DATES OF 1986 AMENDMENT

Section 11002(f) of Pub. L. 99-570, as amended by Pub. L. 100-435, title II, §205, Sept. 19, 1988, 102 Stat. 1657; Pub. L. 101-624, title XVII, §1713(b), Nov. 28, 1990, 104 Stat. 3783; Pub. L. 102-237, title IX, §913, Dec. 13, 1991, 105 Stat. 1887, provided that:

“(1) The amendments made by this section [amending this section and sections 2018 and 2019 of this title] shall become effective, and be implemented by issuance of final regulations, not later than April 1, 1987.

“(2) Not later than September 30, 1988, the Secretary of Agriculture 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 evaluates the program established by the amendments made by this section, including any proposed legislative recommendations.

“(3) The amendments made by this section, except those amendments made by subsections (a), (b), and (c) [amending this section], shall cease to be effective after September 30, 1990.”

[Amendment by Pub. L. 102-237 to section 11002(f) of Pub. L. 99-570, set out above, effective Oct. 1, 1990, and not applicable with respect to any period occurring before such date, see section 1101(d)(5) of Pub. L. 102-237, set out as an Effective Date of 1991 Amendment note under section 1421 of this title.]

[Section 1713(b) of Pub. L. 101-624 provided that the amendment made by that section is effective Sept. 29, 1990.]

EFFECTIVE DATE OF 1982 AMENDMENT

Section 193 of subtitle E (§§140-193) of title I of Pub. L. 97-253 provided that:

“(a) Except as provided in subsection (b), this subtitle [amending this section and sections 2014, 2015, 2016, 2017, 2018, 2020, 2021, 2022, 2023, 2025, 2026, 2027, 2028, and 2029 of this title and enacting provisions set out as notes under this section and sections 1624, 2011, and 2028 of this title] and the amendments made by this subtitle shall take effect on the date of the enactment of this subtitle [Sept. 8, 1982].

“(b) Sections 180 and 188 [amending sections 2020, 2025, 2027, and 2029 of this title] shall take effect on October 1, 1982.”

EFFECTIVE DATE OF 1981 AMENDMENTS

Section 192 of Pub. L. 97-253 provided that:

“(a) Notwithstanding section 117 of the Omnibus Budget Reconciliation Act of 1981 (7 U.S.C. 2012 note) [section 117 of Pub. L. 97-35, set out below], the amendments made by sections 101 through 114 of such Act [amending this section and sections 2014, 2015, 2017, 2020, 2022, and 2025 of this title], other than sections 107(b) and 108(c) of such Act [amending sections 2014 and 2015 of this title], shall take effect on the earlier of the date of the enactment of this subtitle [Sept. 8, 1982] or the date on which such amendments became effective pursuant to section 117 of such Act.

“(b) Notwithstanding section 1338 of the Agriculture and Food Act of 1981 (7 U.S.C. 2012 note) [section 1338 of Pub. L. 97-98, set out below], the amendments made by sections 1302 through 1333 of such Act [enacting section 2029 of this title and amending this section and sections 2014 to 2016, 2018 to 2020, and 2023 to 2027 of this title] shall take effect on the earlier of the date of the enactment of this subtitle [Sept. 8, 1982] or the date on which such amendments became effective pursuant to section 1338 of such Act.”

Section 1338 of title XIII of Pub. L. 97-98 provided that: “Except as otherwise specifically provided, the amendments made by this title [enacting sections 2029 and 2270 of this title, amending this section and sections 2014 to 2016, 2018 to 2020, and 2023 to 2027 of this title, and enacting provisions set out as a note under section 2011 of this title] shall be effective upon such dates as the Secretary of Agriculture may prescribe, taking into account the need for orderly implementation.”

Section 116(a) of Pub. L. 97-35 provided that the amendment made by that section is effective July 1, 1982.

Section 117 of Pub. L. 97-35 provided that: “Except as otherwise specifically provided, the amendments made by sections 101 through 116 of this Act [amending this section and sections 2014, 2015, 2017, 2020, 2022, and 2025 of this title] shall be effective and implemented upon such dates as the Secretary of Agriculture may prescribe, taking into account the need for orderly implementation.”

EFFECTIVE DATE OF 1979 AMENDMENT

Pub. L. 96-58, §10, Aug. 14, 1979, 93 Stat. 392, provided that:

“(a) The provisions of sections 2 and 3 of this Act [amending this section and sections 2014 of this section] 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 [this chapter] in effect on July 1, 1979 [now the Food and Nutrition Act of 2008], until implemented.

“(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 [amending sections 2015 and 2025 of this title]

within one hundred and fifty days after the date of enactment of this Act [Aug. 14, 1979].

“(c) The provisions of sections 7 and 8 of this Act [amending this section and section 2019 of this title] 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 [this chapter] in effect on July 1, 1979 [now the Food and Nutrition Act of 2008], until implemented.”

EFFECTIVE DATE OF 1977 AMENDMENT

Section 1301 of Pub. L. 95-113 provided that the amendment made by that section is effective Oct. 1, 1977.

Section 1302(b) of Pub. L. 95-113 provided that: “The amendments made by this section [repealing section 3(b) of Pub. L. 93-86 as described in the Repeals note below and amending section 1431 of this title and provisions set out as notes under sections 612c of this title and 1382e of Title 42, The Public Health and Welfare] shall be effective October 1, 1977.”

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment of section 8(a) of Pub. L. 93-233 by section 1(a), (b) of Pub. L. 93-335, effective July 1, 1974, see section 1(c) of Pub. L. 93-335, set out as a note under section 1382 of Title 42, The Public Health and Welfare. See Repeals note below.

EFFECTIVE DATE OF 1972 AMENDMENT

Section 411(a) of Pub. L. 92-603 provided that the amendment made by that section is effective January 1, 1974.

Section 411(h) of Pub. L. 92-603 provided that: “Except as otherwise provided in this section, the amendments made by this section [amending this section and sections 2019 and 2023 of this title] shall take effect on January 1, 1973”.

REPEALS

Pub. L. 93-86, §3(b), Aug. 10, 1978, 87 Stat. 246, cited as a credit to this section, was repealed, effective Oct. 1, 1977, by section 1302(a)(1) of Pub. L. 95-113. Section 3(b) of Pub. L. 93-86 had amended the definition of “household” in 1973 to exclude individuals receiving supplementary security income benefits under title XVI of the Social Security Act in certain months. For the period beginning Jan. 1, 1974, and ending September 30, 1978, Pub. L. 93-233, §8(a), Dec. 30, 1973, 87 Stat. 956, as amended by Pub. L. 93-335, §1(a), (b), July 8, 1974, 88 Stat. 291; Pub. L. 94-44, §3, June 28, 1975, 89 Stat. 235; Pub. L. 94-365, §2, July 14, 1976, 90 Stat. 990; Pub. L. 95-59, §3, June 30, 1977, 91 Stat. 255, provided that the amendment by section 3(b) of Pub. L. 93-86 should not be effective and that the definition of “household” should read as it did before such amendment but with the addition of a new sentence to exclude individuals receiving certain Federal or State supplementary payments under certain circumstances.

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) of that Act [7 U.S.C. 2012(p)] 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 sup-

plemental 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) of such Act (7 U.S.C. 2012(k)(p)(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(f), (i) 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), respectively, by Pub. L. 110-246, title IV, §4115(b)(1)(M), June 18, 2008, 122 Stat. 1867.

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 ben-

¹ See References in Text note below.