

§ 2033. Repealed. Pub. L. 107-171, title IV, § 4124(b), May 13, 2002, 116 Stat. 326

Section, Pub. L. 88-525, § 24, as added Pub. L. 104-127, title IV, § 401(g), Apr. 4, 1996, 110 Stat. 1027, related to payments by the Secretary to the Territory of American Samoa for fiscal years 1996 through 2002 to finance expenditures for nutrition assistance program extended under section 1469d(c) of title 48.

EFFECTIVE DATE OF REPEAL

Repeal effective May 13, 2002 and applicable beginning on Oct. 1, 2002, see section 4124(c), (d) of Pub. L. 107-171, set out as an Effective Date of 2002 Amendment note under section 2028 of this title.

§ 2034. Assistance for community food projects

(a) Definitions

In this section:

(1) Community food project

In this section, the term “community food project” means a community-based project that—

(A) requires a 1-time contribution of Federal assistance to become self-sustaining; and

(B) is designed—

(i)(I) to meet the food needs of low-income individuals;

(II) to increase the self-reliance of communities in providing for the food needs of the communities; and

(III) to promote comprehensive responses to local food, farm, and nutrition issues; or
(ii) to meet specific State, local, or neighborhood food and agricultural needs, including needs relating to—

(I) infrastructure improvement and development;

(II) planning for long-term solutions; or

(III) the creation of innovative marketing activities that mutually benefit agricultural producers and low-income consumers.

(2) Center

The term “Center” means the healthy urban food enterprise development center established under subsection (h).

(3) Underserved community

The term “underserved community” means a community (including an urban or rural community or an Indian tribe) that, as determined by the Secretary, has—

(A) limited access to affordable, healthy foods, including fresh fruits and vegetables;

(B) a high incidence of a diet-related disease (including obesity) as compared to the national average;

(C) a high rate of hunger or food insecurity; or

(D) severe or persistent poverty.

(b) Authority to provide assistance

(1) In general

From amounts made available to carry out this chapter, the Secretary may make grants to assist eligible private nonprofit entities to establish and carry out community food projects.

(2) Limitation on grants

The total amount of funds provided as grants under this section may not exceed—

(A) \$1,000,000 for fiscal year 1996; and

(B) \$5,000,000 for fiscal year 2008 and each fiscal year thereafter.

(c) Eligible entities

To be eligible for a grant under subsection (b) of this section, a private nonprofit entity must—

(1) have experience in the area of—

(A) community food work, particularly concerning small and medium-sized farms, including the provision of food to people in low-income communities and the development of new markets in low-income communities for agricultural producers; or

(B) job training and business development activities for food-related activities in low-income communities;

(2) demonstrate competency to implement a project, provide fiscal accountability, collect data, and prepare reports and other necessary documentation; and

(3) demonstrate a willingness to share information with researchers, practitioners, and other interested parties.

(d) Preference for certain projects

In selecting community food projects to receive assistance under subsection (b) of this section, the Secretary shall give a preference to projects designed to—

(1) develop linkages between 2 or more sectors of the food system;

(2) support the development of entrepreneurial projects;

(3) develop innovative linkages between the for-profit and nonprofit food sectors; or

(4) encourage long-term planning activities, and multisystem, interagency approaches with multistakeholder collaborations, that build the long-term capacity of communities to address the food and agricultural problems of the communities, such as food policy councils and food planning associations.

(e) Matching funds requirements

(1) Requirements

The Federal share of the cost of establishing or carrying out a community food project that receives assistance under subsection (b) of this section may not exceed 50 percent of the cost of the project during the term of the grant.

(2) Calculation

In providing for the non-Federal share of the cost of carrying out a community food project, the entity receiving the grant shall provide for the share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services.

(3) Sources

An entity may provide for the non-Federal share through State government, local government, or private sources.

(f) Term of grant

(1) Single grant

A community food project may be supported by only a single grant under subsection (b) of this section.

(2) Term

The term of a grant under subsection (b) of this section may not exceed 3 years.

(g) Technical assistance and related information**(1) Technical assistance**

In carrying out this section, the Secretary may provide technical assistance regarding community food projects, processes, and development to an entity seeking the assistance.

(2) Sharing information**(A) In general**

The Secretary may provide for the sharing of information concerning community food projects and issues among and between government, private for-profit and nonprofit groups, and the public through publications, conferences, and other appropriate forums.

(B) Other interested parties

The Secretary may share information concerning community food projects with researchers, practitioners, and other interested parties.

(h) Healthy urban food enterprise development center**(1) Definition of eligible entity**

In this subsection, the term “eligible entity” means—

- (A) a nonprofit organization;
- (B) a cooperative;
- (C) a commercial entity;
- (D) an agricultural producer;
- (E) an academic institution;
- (F) an individual; and
- (G) such other entities as the Secretary may designate.

(2) Establishment

The Secretary shall offer to provide a grant to a nonprofit organization to establish and support a healthy urban food enterprise development center to carry out the purpose described in paragraph (3).

(3) Purpose

The purpose of the Center is to increase access to healthy affordable foods, including locally produced agricultural products, to underserved communities.

(4) Activities**(A) Technical assistance and information**

The Center shall collect, develop, and provide technical assistance and information to small and medium-sized agricultural producers, food wholesalers and retailers, schools, and other individuals and entities regarding best practices and the availability of assistance for aggregating, storing, processing, and marketing locally produced agricultural products and increasing the availability of such products in underserved communities.

(B) Authority to subgrant

The Center may provide subgrants to eligible entities—

- (i) to carry out feasibility studies to establish businesses for the purpose described in paragraph (3); and

- (ii) to establish and otherwise assist enterprises that process, distribute, aggregate, store, and market healthy affordable foods.

(5) Priority

In providing technical assistance and grants under paragraph (4), the Center shall give priority to applications that include projects—

- (A) to benefit underserved communities; and
- (B) to develop market opportunities for small and mid-sized farm and ranch operations.

(6) Report

For each fiscal year for which the nonprofit organization described in paragraph (2) receives funds, the organization shall submit to the Secretary a report describing the activities carried out in the preceding fiscal year, including—

- (A) a description of technical assistance provided by the Center;
- (B) the total number and a description of the subgrants provided under paragraph (4)(B);
- (C) a complete listing of cases in which the activities of the Center have resulted in increased access to healthy, affordable foods, such as fresh fruit and vegetables, particularly for school-aged children and individuals in low-income communities; and
- (D) a determination of whether the activities identified in subparagraph (C) are sustained during the years following the initial provision of technical assistance and subgrants under this section.

(7) Competitive award process

The Secretary shall use a competitive process to award funds to establish the Center.

(8) Limitation on administrative expenses

Not more than 10 percent of the total amount allocated for this subsection in a given fiscal year may be used for administrative expenses.

(9) Funding**(A) In general**

Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this subsection \$1,000,000 for each of fiscal years 2009 through 2011.

(B) Additional funding

There is authorized to be appropriated \$2,000,000 to carry out this subsection for fiscal year 2012.

(i) Innovative programs for addressing common community problems**(1) In general**

The Secretary shall offer to enter into a contract with, or make a grant to, 1 nongovernmental organization that meets the requirements of paragraph (2) to coordinate with Federal agencies, States, political subdivisions, and nongovernmental organizations (collectively referred to in this subsection as “targeted entities”) to gather information, and

recommend to the targeted entities, innovative programs for addressing common community problems, including—

- (A) loss of farms and ranches;
- (B) rural poverty;
- (C) welfare dependency;
- (D) hunger;
- (E) the need for job training; and
- (F) the need for self-sufficiency by individuals and communities.

(2) Nongovernmental organization

The nongovernmental organization referred to in paragraph (1) shall—

- (A) be selected by the Secretary on a competitive basis;
- (B) be experienced in working with other targeted entities and in organizing workshops that demonstrate programs to other targeted entities;
- (C) be experienced in identifying programs that effectively address community problems described in paragraph (1) that can be implemented by other targeted entities;
- (D) be experienced in, and capable of, receiving information from and communicating with other targeted entities throughout the United States;
- (E) be experienced in operating a national information clearinghouse that addresses 1 or more of the community problems described in paragraph (1); and
- (F) as a condition of entering into the contract or receiving the grant referred to in paragraph (1), agree—
 - (i) to contribute in-kind resources toward implementation of the contract or grant;
 - (ii) to provide to other targeted entities information and guidance on the innovative programs referred to in paragraph (1); and
 - (iii) to operate a national information clearinghouse on innovative means for addressing community problems described in paragraph (1) that—
 - (I) is easily usable by—
 - (aa) Federal, State, and local government agencies;
 - (bb) local community leaders;
 - (cc) nongovernmental organizations; and
 - (dd) the public; and
 - (II) includes information on approved community food projects.

(3) Audits; effective use of funds

The Secretary shall establish auditing procedures and otherwise ensure the effective use of funds made available to carry out this subsection.

(4) Funding

Not later than 90 days after May 13, 2002, and on October 1 of each fiscal year thereafter, the Secretary shall allocate to carry out this subsection \$200,000 of the funds made available under subsection (b) of this section, to remain available until expended.

(Pub. L. 88-525, §25, as added Pub. L. 104-127, title IV, §401(h), Apr. 4, 1996, 110 Stat. 1027;

amended Pub. L. 107-171, title IV, §4125(a), May 13, 2002, 116 Stat. 326; Pub. L. 110-234, title IV, §§4402, 4406(a)(7), May 22, 2008, 122 Stat. 1135, 1141; Pub. L. 110-246, §4(a), title IV, §§4402, 4406(a)(7), June 18, 2008, 122 Stat. 1664, 1896, 1902; Pub. L. 110-380, §1(a), Oct. 8, 2008, 122 Stat. 4080.)

CODIFICATION

Section 4406(a)(7) of Pub. L. 110-246 directed amendment of section 25 of the “Food and Nutrition Act of 2008” which is classified to this section. Pub. L. 110-380, which directed amendment of section 4406(a)(7) of the “Food, Conservation, and Energy Act of 2008 (Public Law 110-234; 122 Stat. 2902)” by striking “Food and Nutrition Act of 2008” and inserting “Food Stamp Act of 1977” was treated as intending to amend section 4406(a)(7) of Pub. L. 110-246 which was identical to section 4406(a)(7) of Pub. L. 110-234. However, since the amendment by Pub. L. 110-380 was effective Oct. 8, 2008, and the amendment by section 4406(a)(7) of Pub. L. 110-246 was effective Oct. 1, 2008, Pub. L. 110-380 had no effect on the execution of the amendment by section 4406(a)(7) of Pub. L. 110-246 to this section.

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—Subsec. (a). Pub. L. 110-246, §4402(1), added subsec. (a) and struck out former subsec. (a) which defined “community food project”.

Subsec. (b)(2)(B). Pub. L. 110-246, §4406(a)(7)(A), as amended by Pub. L. 110-380, substituted “for fiscal year 2008 and each fiscal year thereafter” for “for each of fiscal years 1997 through 2007”. See Codification note above.

Subsecs. (h), (i). Pub. L. 110-246, §4402(2), (3), added subsec. (h) and redesignated former subsec. (h) as (i).

Subsec. (i)(4). Pub. L. 110-246, §4406(a)(7)(B), as amended by Pub. L. 110-380, substituted “each fiscal year thereafter” for “each of fiscal years 2003 through 2007”. See Codification note above.

2002—Subsec. (a). Pub. L. 107-171, §4125(a)(1), designated pars. (1) to (3) as subpars. (A) to (C) of par. (1), respectively, and added par. (2).

Subsec. (b)(2)(B). Pub. L. 107-171, §4125(a)(2), substituted “\$5,000,000” for “\$2,500,000” and “2007” for “2002”.

Subsec. (d)(4). Pub. L. 107-171, §4125(a)(3), added par. (4) and struck out former par. (4) which read as follows: “encourage long-term planning activities and multi-system, interagency approaches.”

Subsec. (h). Pub. L. 107-171, §4125(a)(4), added subsec. (h) and struck out heading and text of former subsec. (h). Text read as follows:

“(1) IN GENERAL.—The Secretary shall provide for the evaluation of the success of community food projects supported using funds under this section.

“(2) REPORT.—Not later than January 30, 2002, the Secretary shall submit a report to Congress regarding the results of the evaluation.”

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 4402 and 4406(a)(7) 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 2002 AMENDMENT

Pub. L. 107-171, title IV, §4125(b), May 13, 2002, 116 Stat. 327, provided that: “The amendments made by

this section [amending this section] take effect on the date of enactment of this Act [May 13, 2002].”

§ 2035. Simplified supplemental nutrition assistance program

(a) “Federal costs” defined

In this section, the term “Federal costs” does not include any Federal costs incurred under section 2026 of this title.

(b) Election

Subject to subsection (d) of this section, a State may elect to carry out a simplified supplemental nutrition assistance program (referred to in this section as a “Program”), statewide or in a political subdivision of the State, in accordance with this section.

(c) Operation of Program

If a State elects to carry out a Program, with- in the State or a political subdivision of the State—

(1) a household in which no members receive assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) may not participate in the Program;

(2) a household in which all members receive assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) shall automatically be eligible to participate in the Program;

(3) if approved by the Secretary, a household in which 1 or more members but not all mem- bers receive assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) may be eli- gible to participate in the Program; and

(4) subject to subsection (f) of this section, benefits under the Program shall be deter- mined under rules and procedures established by the State under—

(A) a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

(B) the supplemental nutrition assistance program; or

(C) a combination of a State program fund- ed under part A of title IV of the Social Secu- rity Act (42 U.S.C. 601 et seq.) and the sup- plemental nutrition assistance program.

(d) Approval of Program

(1) State plan

A State agency may not operate a Program unless the Secretary approves a State plan for the operation of the Program under paragraph (2).

(2) Approval of plan

The Secretary shall approve any State plan to carry out a Program if the Secretary deter- mines that the plan—

(A) complies with this section; and

(B) contains sufficient documentation that the plan will not increase Federal costs for any fiscal year.

(e) Increased Federal costs

(1) Determination

(A) In general

The Secretary shall determine whether a Program being carried out by a State agency

is increasing Federal costs under this chap- ter.

(B) No excluded households

In making a determination under subpara- graph (A), the Secretary shall not require the State agency to collect or report any in- formation on households not included in the Program.

(C) Alternative accounting periods

The Secretary may approve the request of a State agency to apply alternative account- ing periods to determine if Federal costs do not exceed the Federal costs had the State agency not elected to carry out the Pro- gram.

(2) Notification

If the Secretary determines that the Pro- gram has increased Federal costs under this chapter for any fiscal year or any portion of any fiscal year, the Secretary shall notify the State not later than 30 days after the Sec- retary makes the determination under para- graph (1).

(3) Enforcement

(A) Corrective action

Not later than 90 days after the date of a notification under paragraph (2), the State shall submit a plan for approval by the Sec- retary for prompt corrective action that is designed to prevent the Program from in- creasing Federal costs under this chapter.

(B) Termination

If the State does not submit a plan under subparagraph (A) or carry out a plan ap- proved by the Secretary, the Secretary shall terminate the approval of the State agency operating the Program and the State agency shall be ineligible to operate a future Pro- gram.

(f) Rules and procedures

(1) In general

In operating a Program, a State or political subdivision of a State may follow the rules and procedures established by the State or po- litical subdivision under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) or under the supplemental nutrition assistance pro- gram.

(2) Standardized deductions

In operating a Program, a State or political subdivision of a State may standardize the de- ductions provided under section 2014(e) of this title. In developing the standardized deduc- tion, the State shall consider the work ex- penses, dependent care costs, and shelter costs of participating households.

(3) Requirements

In operating a Program, a State or political subdivision shall comply with the require- ments of—

(A) subsections (a) through (f) of section 2016 of this title;

(B) section 2017(a) of this title (except that the income of a household may be deter-