

out as a note under section 1161 of Title 2, The Congress.

**§ 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 Repealed.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 through food distribution, community outreach to assist in participation in Federally assisted nutrition programs, or improving access to food as part of a comprehensive service;

(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, food access, farm, and nutrition issues; or

(ii) to meet specific State, local, or neighborhood food and agricultural needs, including needs relating to—

(I) equipment necessary for the efficient operation of a project;

(II) planning for long-term solutions; or

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

**(2) Gleaner**

The term “gleaner” means an entity that—

(A) collects edible, surplus food that would be thrown away and distributes the food to agencies or nonprofit organizations that feed the hungry; or

(B) harvests for free distribution to the needy, or for donation to agencies or nonprofit organizations for ultimate distribution to the needy, an agricultural crop that has been donated by the owner of the crop.

**(3) Hunger-free communities goal**

The term “hunger-free communities goal” means any of the 14 goals described in House Concurrent Resolution 302, 102nd Congress, agreed to October 5, 1992.

**(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;

(B) \$5,000,000 for each of fiscal years 2008 through 2014;

(C) \$9,000,000 for each of fiscal years 2015 through 2018; and

(D) \$5,000,000 for fiscal year 2019 and each fiscal year thereafter.

**(c) Eligible entities**

To be eligible for a grant under subsection (b), a public food program service provider, a tribal organization, or a private nonprofit entity, including gleaners, 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;

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

(C) efforts to reduce food insecurity in the community, including food distribution, improving access to services, or coordinating services and programs;

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

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

(4) collaborate with 1 or more local partner organizations to achieve at least 1 hunger-free communities goal.

**(d) Preference for certain projects**

In selecting community food projects to receive assistance under subsection (b), 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;

(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; or

(5) develop new resources and strategies to help reduce food insecurity in the community and prevent food insecurity in the future by—

(A) developing creative food resources;

(B) coordinating food services with park and recreation programs and other community-based outlets to reduce barriers to access; or

(C) creating nutrition education programs for at-risk populations to enhance food-purchasing and food-preparation skills and to heighten awareness of the connection between diet and health.

**(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) 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).

**(2) Term**

The term of a grant under subsection (b) may not exceed 5 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) Reports to Congress**

Not later than September 30, 2014, and each year thereafter, the Secretary shall submit to Congress a report that describes each grant made under this section, including—

- (1) a description of any activity funded;
- (2) the degree of success of each activity funded in achieving hunger-free community goals; and
- (3) the degree of success in improving the long-term capacity of a community to address

food and agriculture problems related to hunger or access to healthy food.

(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; Pub. L. 113-79, title IV, §4026, Feb. 7, 2014, 128 Stat. 810; Pub. L. 115-334, title IV, §§4017, 4022(8), Dec. 20, 2018, 132 Stat. 4648, 4654.)

REFERENCES IN TEXT

House Concurrent Resolution 302, referred to in subsec. (a)(3), is H. Con. Res. 302, Oct. 5, 1992, 106 Stat. 5204, which is not classified to the Code.

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

2018—Subsec. (a)(1)(B)(i)(I). Pub. L. 115-334, §4022(8), substituted “service;” for “service;”.

Subsec. (b)(2)(C). Pub. L. 115-334, §4017(2), substituted “each of fiscal years 2015 through 2018; and” for “fiscal year 2015 and each fiscal year thereafter.”

Subsec. (b)(2)(D). Pub. L. 115-334, §4017(1), (3), added subpar. (D).

2014—Subsec. (a)(1)(B)(i)(I). Pub. L. 113-79, §4026(1)(A)(i)(I), inserted “through food distribution, community outreach to assist in participation in Federally assisted nutrition programs, or improving access to food as part of a comprehensive service;” after “individuals”.

Subsec. (a)(1)(B)(i)(III). Pub. L. 113-79, §4026(1)(A)(i)(II), inserted “food access,” after “food.”

Subsec. (a)(1)(B)(ii)(I). Pub. L. 113-79, §4026(1)(A)(ii), added subcl. (I) and struck out former subcl. (I) which read as follows: “infrastructure improvement and development;”.

Subsec. (a)(2), (3). Pub. L. 113-79, §4026(1)(B), added pars. (2) and (3) and struck out former pars. (2) and (3) which defined “Center” and “underserved community”, respectively.

Subsec. (b)(2)(B). Pub. L. 113-79, §4026(2)(B), substituted “each of fiscal years 2008 through 2014; and” for “fiscal year 2008 and each fiscal year thereafter.”

Subsec. (b)(2)(C). Pub. L. 113-79, §4026(2), added subpar. (C).

Subsec. (c). Pub. L. 113-79, §4026(3)(A), substituted “public food program service provider, a tribal organization, or a private nonprofit entity, including gleaners,” for “private nonprofit entity” in introductory provisions.

Subsec. (c)(1)(C). Pub. L. 113-79, §4026(3)(B), added subpar. (C).

Subsec. (c)(4). Pub. L. 113-79, §4026(3)(C)-(E), added par. (4).

Subsec. (d)(5). Pub. L. 113-79, § 4026(4), added par. (5).  
Subsec. (f)(2). Pub. L. 113-79, § 4026(5), substituted “5 years” for “3 years”.

Subsecs. (h), (i). Pub. L. 113-79, § 4026(6), added subsec. (h) and struck out former subsecs. (h) and (i) which related to healthy urban food enterprise development center and innovative programs for addressing common community problems, respectively.

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), 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, within 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 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 be eligible to participate in the Program; and

(4) subject to subsection (f), benefits under the Program shall be determined 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 funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and the supplemental 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 determines 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 chapter.

###### (B) No excluded households

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

###### (C) Alternative accounting periods

The Secretary may approve the request of a State agency to apply alternative accounting periods to determine if Federal costs do not exceed the Federal costs had the State agency not elected to carry out the Program.

##### (2) Notification

If the Secretary determines that the Program has increased Federal costs under this