

date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

CHAPTER 51—SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

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§ 2011. Congressional declaration of policy

It is declared to be the policy of Congress, in order to promote the general welfare, to safeguard the health and well-being of the Nation's population by raising levels of nutrition among low-income households. Congress finds that the limited food purchasing power of low-income households contributes to hunger and malnutrition among members of such households. Congress further finds that increased utilization of food in establishing and maintaining adequate national levels of nutrition will promote the distribution in a beneficial manner of the Nation's agricultural abundance and will strengthen the Nation's agricultural economy, as well as result in more orderly marketing and distribution of foods. To alleviate such hunger and malnutrition, a supplemental nutrition assistance program is herein authorized which will permit low-income households to obtain a more nutri-

tious diet through normal channels of trade by increasing food purchasing power for all eligible households who apply for participation.

That program includes as a purpose to assist low-income adults in obtaining employment and increasing their earnings. Such employment and earnings, along with program benefits, will permit low-income households to obtain a more nutritious diet through normal channels of trade by increasing food purchasing power for all eligible households who apply for participation.

(Pub. L. 88-525, §2, Aug. 31, 1964, 78 Stat. 703; Pub. L. 91-671, §1, Jan. 11, 1971, 84 Stat. 2048; Pub. L. 95-113, title XIII, §1301, Sept. 29, 1977, 91 Stat. 958; Pub. L. 110-234, title IV, §4001(b), May 22, 2008, 122 Stat. 1092; Pub. L. 110-246, §4(a), title IV, §4001(b), June 18, 2008, 122 Stat. 1664, 1853; Pub. L. 118-5, div. C, title II, §313, June 3, 2023, 137 Stat. 38.)

Editorial Notes

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 L. 110-234 were repealed by section 4(a) of Pub.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

2023—Pub. L. 118-5 added second par.

2008—Pub. L. 110-246, §4001(b), substituted "supplemental nutrition assistance program" for "food stamp program".

1977—Pub. L. 95-113 substituted "a more nutritious diet" for "a nutritionally adequate diet" as the object of the program.

1971—Pub. L. 91-671 provided for cooperation in utilization of Nation's abundance of food by other agencies, struck out "to the maximum extent practicable" before "to safeguard the health", enunciated finding that limited food purchasing power of low-income households contributes to hunger and malnutrition, and substituted "promote the distribution" for "will tend to cause the distribution" and authorization of a program (to alleviate hunger and malnutrition) which will permit low-income households to purchase a nutritionally adequate diet through normal channels of trade for prior authorization of a program (to effectuate policy of Congress and purposes of this chapter) which will permit such households to receive a greater share of Nation's abundance of food.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 4001(b) of Pub. L. 110-246 effective Oct. 1, 2008, see section 4407 of Pub. L. 110-246, set out as a note under section 1161 of Title 2, The Congress.

EFFECTIVE DATE OF 1977 AMENDMENT

Pub. L. 95-113, title XIII, §1301, Sept. 29, 1977, 91 Stat. 958, provided that the amendment made by section 1301 is effective Oct. 1, 1977.

SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-171, title IV, §4001, May 13, 2002, 116 Stat. 305, provided that: "This title [enacting section 3007 of this title and section 1161 of Title 2, The Congress,

amending sections 1431e, 2012, 2014 to 2017, 2019, 2020, 2022, 2023, 2025 to 2028, 2031, 2034, 2036, and 7508 of this title, sections 1612, 1613, and 1631 of Title 8, Aliens and Nationality, and sections 1755, 1758, 1760, 1769, and 1786 of Title 42, The Public Health and Welfare, repealing section 2033 of this title, enacting provisions set out as notes under sections 612c, 2014 to 2016, 2019, 2020, 2022, 2023, 2025, 2026, 2028, 2034, 2036, and 3171 of this title, section 1161 of Title 2, section 1612 of Title 8, and sections 1755, 1758, 1769, and 1786 of Title 42, and amending provisions set out as a note under section 612c of this title] may be cited as the ‘Food Stamp Reauthorization Act of 2002’.”

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-171, § 1, Feb. 11, 2000, 114 Stat. 3, provided that: “This Act [amending section 2016 of this title and enacting provisions set out as notes under section 2016 of this title] may be cited as the ‘Electronic Benefit Transfer Interoperability and Portability Act of 2000’.”

SHORT TITLE OF 1994 AMENDMENT

Pub. L. 103-225, § 1, Mar. 25, 1994, 108 Stat. 106, provided that: “This Act [amending sections 2012, 2014 to 2016, 2018, and 2026 of this title, enacting provisions set out as notes under section 2012 of this title, and repealing provisions set out as notes under sections 2015 and 2016 of this title] may be cited as the ‘Food Stamp Program Improvements Act of 1994’.”

SHORT TITLE OF 1993 AMENDMENT

Pub. L. 103-66, title XIII, § 13901(a), Aug. 10, 1993, 107 Stat. 672, provided that: “This chapter [chapter 3 (§§ 13901-13971) of title XIII of Pub. L. 103-66, amending sections 2012, 2014, 2015, 2017, 2020 to 2023, 2025, 2026, and 2028 of this title, and enacting provisions set out as a note under section 2025 of this title] may be cited as the ‘Mickey Leland Childhood Hunger Relief Act’.”

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-624, title XVII, § 1701, Nov. 28, 1990, 104 Stat. 3783, provided that: “This title [enacting section 2032 of this title, amending sections 1431, 1431e, 2012, 2014 to 2018, 2020 to 2022, 2024 to 2028, 3175, and 3175e of this title, section 6109 of Title 26, Internal Revenue Code, and sections 405 and 9904 of Title 42, The Public Health and Welfare, enacting provisions set out as notes under this section and sections 612c, 2012, 2014, 2020, 2025, and 2028 of this title and section 1751 of Title 42, and amending provisions set out as notes under sections 612c and 2012 of this title] may be cited as the ‘Mickey Leland Memorial Domestic Hunger Relief Act’.”

SHORT TITLE OF 1988 AMENDMENTS

Pub. L. 100-435, § 1(a), Sept. 19, 1988, 102 Stat. 1645, provided that: “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, The Public Health and Welfare, enacting provisions set out as notes under sections 612c and 2012 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] may be cited as the ‘Hunger Prevention Act of 1988’.”

Pub. L. 100-232, § 1, Jan. 5, 1988, 101 Stat. 1566, provided that: “This Act [amending section 2014 of this title and enacting provisions set out as a note under section 612c of this title] may be cited as the ‘Charitable Assistance and Food Bank Act of 1987’.”

SHORT TITLE OF 1986 AMENDMENT

Pub. L. 99-570, title XI, § 11001, Oct. 27, 1986, 100 Stat. 3207-167, provided that: “This title [amending sections 2012, 2018 and 2019 of this title, sections 1531 and 1603 of Title 29, Labor, sections 3003 and 3020 [now 5103 and 5120] of Title 38, Veterans’ Benefits, and sections 1383 and 1396a of Title 42, The Public Health and Welfare,

and enacting provisions set out as notes under section 2012 of this title, sections 5103 and 5120 of Title 38, and sections 602, 1383 and 1396a of Title 42] may be cited as the ‘Homeless Eligibility Clarification Act’.”

SHORT TITLE OF 1982 AMENDMENT

Pub. L. 97-253, title I, § 140, Sept. 8, 1982, 96 Stat. 772, provided that: “This subtitle [subtitle E (§§ 140-193) of title I of Pub. L. 97-253, amending sections 2012, 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 sections 1624, 2012, and 2028 of this title] may be cited as the ‘Food Stamp Act Amendments of 1982’.”

SHORT TITLE OF 1981 AMENDMENT

Pub. L. 97-98, title XIII, § 1301, Dec. 22, 1981, 95 Stat. 1282, provided that: “This title [enacting sections 2029 and 2270 of this title, amending sections 2012, 2014 to 2016, 2018 to 2020, and 2023 to 2027 of this title, enacting a provision set out as a note under section 2012 of this title, and amending provisions set out as notes under section 612c of this title] may be cited as the ‘Food Stamp and Commodity Distribution Amendments of 1981’.”

SHORT TITLE OF 1980 AMENDMENT

Pub. L. 96-249, § 1, May 26, 1980, 94 Stat. 357, provided: “That this Act [amending sections 2012, 2014, 2015, 2019, 2020, and 2024 to 2027 of this title, sections 6103 and 7213 of Title 26, Internal Revenue Code, and sections 503 and 504 of Title 42, The Public Health and Welfare, and enacting provisions set out as notes under sections 2014 and 2026 of this title, section 6103 of Title 26, and section 503 of Title 42] may be cited as the ‘Food Stamp Act Amendments of 1980’.”

SHORT TITLE OF 1976 AMENDMENT

Pub. L. 94-339, § 1, July 5, 1976, 90 Stat. 799, provided: “That this Act [amending sections 2012, 2015, and 2016 of this title] may be cited as the ‘Emergency Food Stamp Vendor Accountability Act of 1976’.”

SHORT TITLE

Pub. L. 88-525, § 1, Aug. 31, 1964, 78 Stat. 703, as amended by Pub. L. 95-113, title XIII, § 1301, Sept. 29, 1977, 91 Stat. 958; Pub. L. 110-234, title IV, § 4001(a), May 22, 2008, 122 Stat. 1092; Pub. L. 110-246, § 4(a), title IV, § 4001(a), June 18, 2008, 122 Stat. 1664, 1853, provided that: “This Act [enacting this chapter] may be cited as the ‘Food and Nutrition Act of 2008’.”

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM DURING COVID-19 PUBLIC HEALTH EMERGENCY

Pub. L. 116-260, div. N, title VII, § 702, Dec. 27, 2020, 134 Stat. 2092, as amended by Pub. L. 117-2, title I, § 1101(a), Mar. 11, 2021, 135 Stat. 15, provided that:

“(a) VALUE OF BENEFITS.—Notwithstanding any other provision of law, beginning on January 1, 2021, and for each subsequent month through September 30, 2021, the value of benefits determined under section 8(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 15 [sic] 2017(a)) shall be calculated using 115 percent of the June 2020 value of the thrifty food plan (as defined in section 3 of such Act (7 U.S.C. 2012)) if the value of the benefits would be greater under that calculation than in the absence of this subsection.

“(b) REQUIREMENTS FOR THE SECRETARY.—In carrying out this section, the Secretary shall—

“(1) consider the benefit increases described in subsection (a) to be a ‘mass change’;

“(2) require a simple process for States to notify households of the increase in benefits;

“(3) consider section 16(c)(3)(A) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(c)(3)(A)) to apply to any errors in the implementation of this section without regard to the 120-day limit described in that section; and

“(4) disregard the additional amount of benefits that a household receives as a result of this section in determining the amount of overissuances under section 13 of the Food and Nutrition Act of 2008 (7 U.S.C. 2022).

“(C) ADMINISTRATIVE EXPENSES.—

“(1) IN GENERAL.—For the costs of State administrative expenses associated with carrying out this section and administering the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) during the COVID-19 public health emergency, the Secretary shall make available \$100,000,000 for fiscal year 2021.

“(2) TIMING.—Not later than 60 days after the date of the enactment of this Act [Dec. 27, 2020], the Secretary shall make available to States amounts for fiscal year 2021 under paragraph (1).

“(3) ALLOCATION OF FUNDS.—Funds described in paragraph (1) shall be made available as grants to State agencies for fiscal year 2021 as follows:

“(A) 75 percent of the amounts available for fiscal year 2021 shall be allocated to States based on the share of each State of households that participate in the supplemental nutrition assistance program as reported to the Department of Agriculture for the most recent 12-month period for which data are available, adjusted by the Secretary (as of the date of the enactment of this Act) for participation in disaster programs under section 5(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(h)); and

“(B) 25 percent of the amounts available for fiscal year 2021 shall be allocated to States based on the increase in the number of households that participate in the supplemental nutrition assistance program as reported to the Department of Agriculture over the most recent 12-month period for which data are available, adjusted by the Secretary (as of the date of the enactment of this Act) for participation in disaster programs under section 5(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(h)).

“(d) CERTAIN EXCLUSIONS FROM SNAP INCOME.—A Federal pandemic unemployment compensation payment made to an individual under section 2104 of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136) [15 U.S.C. 9023] shall not be regarded as income and shall not be regarded as a resource for the month of receipt and the following 9 months, for the purpose of determining eligibility of such individual or any other individual for benefits or assistance, or the amount of benefits or assistance, under any programs authorized under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

“(e) PROVISIONS FOR IMPACTED STUDENTS.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, not later than 20 days after the date of the enactment of this Act, eligibility for supplemental nutrition assistance program benefits shall not be limited under section 6(e) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(e)) for an individual who—

“(A) is enrolled at least half-time in an institution of higher education; and

“(B)(i) is eligible to participate in a State or federally financed work study program during the regular school year as determined by the institution of higher education; or

“(ii) in the current academic year, has an expected family contribution of \$0 as determined in accordance with part F of title IV of the Higher Education Act of 1995 [probably should be “1965”] (20 U.S.C. 1087kk et. seq.).

“(2) SUNSET.—

“(A) INITIAL APPLICATIONS.—The eligibility standards authorized under paragraph (1) shall be in effect for initial applications for the supplemental nutrition assistance program until 30 days after the COVID-19 public health emergency is lifted.

“(B) RECERTIFICATIONS.—The eligibility standards authorized under paragraph (1) shall be in effect until the first recertification of a household begin-

ning no earlier than 30 days after the COVID-19 public health emergency is lifted.

“(3) GUIDANCE.—

“(A) IN GENERAL.—Not later than 10 days after the date of enactment of this Act, the Secretary shall issue guidance to State agencies on the temporary student eligibility requirements established under this subsection.

“(B) COORDINATION WITH THE DEPARTMENT OF EDUCATION.—The Secretary of Education, in consultation with the Secretary of Agriculture and institutions of higher education, shall carry out activities to inform applicants for Federal student financial aid under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) and students at institutions of higher education of the temporary student eligibility requirements established under this subsection.

“(f) REPORT.—Not later than July 31, 2021, the Secretary 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 accounts for both the redemption rate and account balances for each month during the period specified in subsection (a).

“(g) [Amended provisions set out as a note under section 2012 of this title.]”

[For definitions of “Secretary”, “supplemental nutrition assistance program”, “COVID-19 public health emergency”, and “SNAP” as used in section 702 of div. N of Pub. L. 116-260, set out above, see section 701 of div. N of Pub. L. 116-260, set out below.]

ASSISTANCE FOR HOUSEHOLDS DURING SCHOOL CLOSURES

Pub. L. 116-127, div. A, title I, §1101, Mar. 18, 2020, 134 Stat. 179, as amended by Pub. L. 116-159, div. D, title VI, §4601, Oct. 1, 2020, 134 Stat. 744; Pub. L. 116-260, div. N, title VII, §721, Dec. 27, 2020, 134 Stat. 2096; Pub. L. 117-2, title I, §1108, Mar. 11, 2021, 135 Stat. 18; Pub. L. 117-328, div. HH, title IV, §§502(d), 503(a), Dec. 29, 2022, 136 Stat. 5994, provided that:

“(a) PUBLIC HEALTH EMERGENCY.—In any school year in which there is a public health emergency designation, in any case in which a school is closed or has reduced the number of days or hours that students attend the school for at least 5 consecutive days during a public health emergency designation during which the school would otherwise be in session or in a covered summer period following a school session, each household containing at least 1 member who is an eligible child attending the school shall be eligible to receive assistance pursuant to a state [sic] agency plan approved under subsection (b).

“(b) ASSISTANCE.—To carry out this section, the Secretary of Agriculture may approve State agency plans for temporary emergency standards of eligibility and levels of benefits under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) for households with eligible children and, as applicable, households with children eligible for assistance under subsection (h). Plans approved by the Secretary shall provide for supplemental allotments to households receiving benefits under such Act, and issuances to households not already receiving benefits. Such level of benefits shall be determined by the Secretary in an amount not less than the value of meals at the free rate over the course of 5 school days for each eligible child in the household.

“(c) MINIMUM CLOSURE REQUIREMENT.—The Secretary of Agriculture shall not provide assistance under this section in the case of a school that is closed or has reduced the number of days or hours that students attend the school for less than 5 consecutive days.

“(d) USE OF EBT SYSTEM.—A State agency may provide assistance under this section through the EBT card system established under section 7 of the Food and Nutrition Act of 2008 (7 U.S.C. 2016).

“(e) RELEASE OF INFORMATION.—Notwithstanding any other provision of law, the Secretary of Agriculture may authorize State educational agencies and school

food authorities administering a school lunch program under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) to release to appropriate officials administering the supplemental nutrition assistance program such information as may be necessary to carry out this section.

“(f) WAIVERS.—

“(1) IN GENERAL.—To facilitate implementation of this section, the Secretary of Agriculture may approve waivers of the limits on certification periods otherwise applicable under section 3(f) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(f)), reporting requirements otherwise applicable under section 6(c) of such Act (7 U.S.C. 2015(c)), and other administrative requirements otherwise applicable to State agencies under such Act.

“(2) SIMPLIFYING ASSUMPTIONS FOR SCHOOL YEAR 2020-2021.—For purposes of this section, a State agency may develop and use simplifying assumptions (including a State or local public health ordinance developed in response to COVID-19) and the best feasibly available data to determine the status of a school or covered child care facility as opened, closed, or operating with a reduced number of days or hours, establish State or regionally-based benefits levels, identify eligible children and children eligible for assistance under subsection (h), and establish eligibility periods for eligible children and children eligible for assistance under subsection (h).

“(g) AVAILABILITY OF COMMODITIES.—The Secretary of Agriculture may purchase commodities for emergency distribution in any area of the United States during a public health emergency designation.

“(h) ASSISTANCE FOR CHILDREN IN CHILD CARE.—

“(1) IN GENERAL.—Beginning on October 1, 2020, subject to an approved State agency plan under subsection (b) or an approved amendment to such a plan, in any case in which, during a public health emergency designation, a covered child care facility is closed or has reduced attendance or hours for at least 5 consecutive days, or 1 or more schools in the area of a covered child care facility or the area of a child’s residence are closed or have reduced attendance or hours for at least 5 consecutive days, each household containing at least 1 child enrolled in such a covered child care facility and either the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) or a Department of Agriculture grant-funded nutrition assistance program in the Commonwealth of the Northern Mariana Islands, Puerto Rico, or American Samoa shall be eligible to receive assistance, in accordance with paragraph (2), until covered child care facilities or schools in the area reopen or operate at full attendance and hours, as applicable, as determined by the State agency.

“(2) ASSISTANCE.—A household shall receive benefits under paragraph (1) in an amount that is equal to at least 1 breakfast and 1 lunch at the free rate for each child enrolled in a covered child care facility for each day that the child does not attend the facility because the facility is closed or operating with reduced attendance or hours or for each day that a school in the area of a covered child care facility or the area of the child’s residence is closed or has reduced attendance or hours for at least 5 consecutive days.

“(3) STATE OPTION.—A State shall not be required to provide assistance under this subsection in order to provide assistance to eligible children under a State agency plan under subsection (b).

“(4) DEEMED POPULATION.—For purposes of an approved State agency plan described in paragraph (1) or an approved amendment to such a plan described in such paragraph, the Secretary of Agriculture shall deem any child who has not attained the age of 6 as a child who is enrolled in a covered child care facility.

“(i) EMERGENCIES DURING SUMMER.—

“(1) IN GENERAL.—The Secretary of Agriculture may approve or permit a State agency to extend a

State agency plan approved under subsection (b) for not more than 90 days for the purpose of operating the plan during a covered summer period, during which time schools participating in the school lunch program under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.] or the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) and covered child care facilities shall be deemed closed for purposes of this section.

“(2) LIMITATION.—A State shall not provide benefits during a covered summer period pursuant to paragraph (1) to children who, at the end of the school year immediately preceding the covered summer period, attended a school that did not participate in the school lunch program or school breakfast program described in that paragraph.

“(3) OTHER ASSISTANCE NOT REQUIRED.—A State shall not be required to provide assistance under subsection (a) or (h) in order to provide assistance under this subsection.

“(4) SUMMER 2023.—Any benefits issued to households during a covered summer period pursuant to paragraph (1) in summer 2023 shall not exceed \$120 per child for the covered summer period, except that benefits may be proportionately higher consistent with any adjustments established under section 12(f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(f)).

“(j) DEFINITIONS.—In this section:

“(1) COVERED CHILD CARE FACILITY.—The term ‘covered child care facility’ means—

“(A) an organization described in subparagraph (A) or (B) of section 17(a)(2) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(a)(2)); and

“(B) a family or group day care home.

“(2) COVERED SUMMER PERIOD.—The term ‘covered summer period’ means a summer period that follows a school year during which there was a public health emergency designation.

“(3) ELIGIBLE CHILD.—The term ‘eligible child’ means a child (as defined in section 12(d) or served under section 11(a)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d), 1759(a)(1) [1759a(a)(1)]) who, if not for the closure or reduced attendance or hours of the school attended by the child during a public health emergency designation and due to concerns about a COVID-19 outbreak, would receive free or reduced price school meals under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) at the school.

“(4) FREE RATE.—The term ‘free rate’ means—

“(A) with respect to a breakfast, the rate of a free breakfast under the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); and

“(B) with respect to a lunch, the rate of a free lunch under the school lunch program under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

“(5) PUBLIC HEALTH EMERGENCY DESIGNATION.—The term ‘public health emergency designation’ means the declaration of a public health emergency, based on an outbreak of SARS-CoV-2, by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d).

“(6) SCHOOL.—The term ‘school’ has the meaning given the term in section 12(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d)).

“(7) STATE.—The term ‘State’ has the meaning given the term in section 12(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d)).

“(k) FUNDING.—There are hereby appropriated to the Secretary of Agriculture such amounts as are necessary to carry out this section (including all administrative expenses for Federal agencies, State agencies, other agencies of the State, local units, and schools): *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant

to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 901(b)(2)(A)(i)].”

SNAP WAIVERS

Pub. L. 116-127, div. B, title III, Mar. 18, 2020, 134 Stat. 187, as amended by Pub. L. 116-159, div. D, title VI, § 4603(a)(3), Oct. 1, 2020, 134 Stat. 746; Pub. L. 117-328, div. HH, title IV, § 503(b), Dec. 29, 2022, 136 Stat. 5994, provided that:

“SEC. 2301. SNAP FLEXIBILITY FOR LOW-INCOME JOBLESS WORKERS

“(a) Beginning with the first month that begins after the enactment of this Act [Mar. 18, 2020] and for each subsequent month through the end of the month subsequent to the month a public health emergency declaration by the Secretary of Health and Human Services under section 319 of the Public Health Service Act [42 U.S.C. 247d] based on an outbreak of coronavirus disease 2019 (COVID-19) is lifted, eligibility for supplemental nutrition assistance program benefits shall not be limited under section 6(o)(2) of the Food and Nutrition Act of 2008 [7 U.S.C. 2015(o)(2)] unless an individual does not comply with the requirements of a program offered by the State agency (as defined in section 3 of the Food and Nutrition Act of 2008 [7 U.S.C. 2012]) that meets the standards of subparagraphs (B) or (C) of such section 6(o)(2).

“(b) Beginning on the month subsequent to the month the public health emergency declaration by the Secretary of Health and Human Services under section 319 of the Public Health Service Act based on an outbreak of COVID-19 is lifted for purposes of section 6(o) of the Food and Nutrition Act of 2008, such State agency shall disregard any period during which an individual received benefits under the supplemental nutrition assistance program prior to such month.

“SEC. 2302. ADDITIONAL SNAP FLEXIBILITIES IN A PUBLIC HEALTH EMERGENCY

“(a) In the event of a public health emergency declaration by the Secretary of Health and Human Services under section 319 of the Public Health Service Act [42 U.S.C. 247d] based on an outbreak of coronavirus disease 2019 (COVID-19) and the issuance of an emergency or disaster declaration by a State based on an outbreak of COVID-19, the Secretary of Agriculture—

“(1) shall provide, at the request of a State agency (as defined in section 3 of the Food and Nutrition Act of 2008 [7 U.S.C. 2012]) that provides sufficient data (as determined by the Secretary through guidance) supporting such request, for emergency allotments to households participating in the supplemental nutrition assistance program under the Food and Nutrition Act of 2008 [7 U.S.C. 2011 et seq.] to address temporary food needs not greater than the applicable maximum monthly allotment for the household size; and

“(2) may adjust, at the request of State agencies or by guidance in consultation with one or more State agencies, issuance methods and application and reporting requirements under the Food and Nutrition Act of 2008 to be consistent with what is practicable under actual conditions in affected areas. (In making this adjustment, the Secretary shall consider the availability of offices and personnel in State agencies, any conditions that make reliance on electronic benefit transfer systems described in section 7(h) of the Food and Nutrition Act of 2008 [7 U.S.C. 2016(h)] impracticable, any disruptions of transportation and communication facilities, and any health considerations that warrant alternative approaches.)

“(b) Not later than 10 days after the date of the receipt or issuance of each document listed in paragraphs (1), (2), or (3) of this subsection, the Secretary of Agriculture shall make publicly available on the website of the Department the following documents:

“(1) Any request submitted by State agencies under subsection (a).

“(2) The Secretary’s approval or denial of each such request.

“(3) Any guidance issued under subsection (a)(2).

“(c) REPORT.—Not later than June 30, 2022, 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 containing the following information:

“(1) A description of any information or data supporting State agency requests under this section and any additional measures that State agencies requested that were not approved by the Secretary of Agriculture;

“(2) An evaluation of the use of all waivers, adjustments, and other flexibilities in the operation of the supplemental nutrition assistance program (as defined in section 3 of the Food and Nutrition Act of 2008 [7 U.S.C. 2012]), in effect under this Act [div. B of Pub. L. 116-127, see Tables for classification], the Food and Nutrition Act of 2008 [7 U.S.C. 2011 et seq.], or any other Act, to respond to the COVID-19 public health emergency; and

“(3) A recommendation of any additional waivers or flexibilities needed in the operation of the supplemental nutrition assistance program to respond to public health emergencies with pandemic potential.

“(d) SUNSET.—The authority under subsection (a)(1) shall expire after the issuance of February 2023 benefits under that subsection.”

STUDY OF NATIONAL DATABASE FOR FEDERAL MEANS-TESTED PUBLIC ASSISTANCE PROGRAMS

Pub. L. 105-379, § 2, Nov. 12, 1998, 112 Stat. 3399, as amended by Pub. L. 110-234, title IV, § 4002(b)(1)(A), (B), (2)(PP), May 22, 2008, 122 Stat. 1095, 1096, 1098; Pub. L. 110-246, § 4(a), title IV, § 4002(b)(1)(A), (B), (2)(PP), June 18, 2008, 122 Stat. 1664, 1857, 1859, provided that:

“(a) IN GENERAL.—The Secretary of Agriculture shall conduct a study of options for the design, development, implementation, and operation of a national database to track participation in Federal means-tested public assistance programs.

“(b) ADMINISTRATION.—In conducting the study, the Secretary shall—

“(1) analyze available data to determine—

“(A) whether the data have addressed the needs of the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 [7 U.S.C. 2011 et seq.];

“(B) whether additional or unique data need to be developed to address the needs of the supplemental nutrition assistance program; and

“(C) the feasibility and cost-benefit ratio of each available option for a national database;

“(2) survey the States to determine how the States are enforcing the prohibition on recipients receiving assistance in more than one State under Federal means-tested public assistance programs;

“(3) determine the functional requirements of each available option for a national database; and

“(4) ensure that all options provide safeguards to protect against the unauthorized use or disclosure of information in the national database.

“(c) REPORT.—Not later than 1 year after the date of enactment of this Act [Nov. 12, 1998], the Secretary shall submit to Congress a report on the results of the study conducted under this section.

“(d) FUNDING.—Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary of Agriculture \$500,000 to carry out this section. The Secretary shall be entitled to receive the funds and shall accept the funds, without further appropriation.”

WELFARE SIMPLIFICATION AND COORDINATION ADVISORY COMMITTEE

Pub. L. 101-624, title XVII, § 1778, Nov. 28, 1990, 104 Stat. 3814, as amended by Pub. L. 110-234, title IV,

§ 4002(b)(1)(A), (D), (2)(KK), May 22, 2008, 122 Stat. 1095, 1096, 1098; Pub. L. 110-246, § 4(a), title IV, § 4002(b)(1)(A), (D), (2)(KK), June 18, 2008, 122 Stat. 1857, 1859, provided that:

“(a) APPOINTMENT AND MEMBERSHIP.—

“(1) ESTABLISHMENT [sic].—There is established an Advisory Committee on Welfare Simplification and Coordination (hereafter in this section referred to as the ‘Committee’) consisting of not fewer than 7, nor more than 11, members appointed by the Secretary of Agriculture (hereafter in this section referred to as the ‘Secretary’), after consultation with the Secretary of Health and Human Services and the Secretary of Housing and Urban Development, and with the advice of State and local officials responsible for administering the supplemental nutrition assistance program, cash and medical assistance programs for low-income families and individuals under the Social Security Act [42 U.S.C. 301 et seq.], and programs providing housing assistance to needy families and individuals, and representatives of recipients and recipient advocacy organizations associated with such programs.

“(2) QUALIFICATIONS.—The members of the Committee shall be individuals who are familiar with the rules, goals, and limitations of Federal supplemental nutrition assistance program benefits, cash, medical, and housing assistance programs for low-income families and individuals, and may include individuals who have demonstrated expertise in evaluating the operations of and interaction among such programs as they affect administrators and recipients, persons who have experience in administering such programs at the Federal, State, or local level, and representatives of administrators and recipients affected by such programs.

“(b) PURPOSE.—It shall be the purpose of the Committee, in consultation, where appropriate, with program administrators and representatives of recipients—

“(1) to identify the significant policies implemented in the supplemental nutrition assistance program, cash and medical assistance programs under the Social Security Act [42 U.S.C. 301 et seq.], and housing assistance programs (whether resulting from law, regulations, or administrative practice) that, because they differ substantially, make it difficult for those eligible to apply for and obtain benefits from more than one program and restrict the ability of administrators of such programs to provide efficient, timely, and appropriate benefits to those eligible for more than one type of assistance, drawing, where appropriate, on previous efforts to coordinate and simplify such programs and policies;

“(2) to examine the major reasons for such different programs and policies;

“(3) to evaluate how and the extent to which such different programs and policies hinder, to a significant degree, the receipt of benefits from more than one program and substantially restrict administrators’ ability to provide efficient, timely, and appropriate benefits;

“(4) to recommend common or simplified programs and policies (including recommendations for changes in law, regulations, and administrative practice and for policies that do not currently exist in such programs) that would substantially reduce difficulties in applying for and obtaining benefits from more than one program and significantly increase the ability of administrators of such programs to efficiently provide timely and appropriate assistance to those eligible for more than one type of assistance; and

“(5) to describe the major effects of such common or simplified programs and policies (including how such common or simplified programs and policies would enhance or conflict with the purposes of such programs, how they would ease burdens on administrators and recipients, how they would affect program costs and participation, and the degree to which they would change the relationships between the Fed-

eral Government and the States in such programs) and the reasons for recommending such programs and policies (including reasons, if any, that might be sufficient to override special rules derived from the purposes of individual programs).

“(c) ADMINISTRATIVE SUPPORT.—The Secretary shall provide the Committee with such technical and other assistance, including secretarial and clerical assistance, as may be required to carry out its functions.

“(d) REIMBURSEMENT.—Members of the Committee shall serve without compensation but shall receive reimbursement for necessary travel and subsistence expenses incurred by such members in the performance of the duties of the Committee.

“(e) REPORTS.—Not later than July 1, 1993, the Committee shall prepare and submit, to the appropriate committees of Congress, the Secretary of Agriculture, the Secretary of Health and Human Services, and the Secretary of Housing and Urban Development a final report, including recommendations for common or simplified programs and policies and the effects of and reasons for such programs and policies and may submit interim reports, including reports on common or simplified programs and policies covering less than the complete range of programs and policies under review, to the committees and such Secretaries as deemed appropriate by the Committee.”

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, 1997, 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.]

DEFINITIONS

Pub. L. 116-260, div. N, title VII, §701, Dec. 27, 2020, 134 Stat. 2092, provided that: “In this chapter [chapter 1 (§§701-704) of subtitle A of title VII of div. N of Pub. L. 116-260, enacting provisions set out as notes under this section and section 2016 of this title and amending provisions set out as a note under section 2012 of this title]—

“(1) COVID-19 PUBLIC HEALTH EMERGENCY.—The term ‘COVID-19 public health emergency’ means a public health emergency declared or renewed by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) based on an outbreak of coronavirus disease 2019 (COVID-19).

“(2) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture.

“(3) SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.—The term ‘supplemental nutrition assistance program’ has the meaning given such term in section 3(t) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(t)).

“(4) SNAP.—The term ‘SNAP’ refers to the supplemental nutrition assistance program.”

§ 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(h) 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, cash or check issued in lieu of a coupon.

(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(h) 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

(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;