

taking into account need for orderly implementation, see section 117 of Pub. L. 97-35, set out as a note under section 2012 of this title.

Section 107(b) of Pub. L. 97-35 provided that the amendment made by that section is effective Oct. 1, 1983.

Section 2611 of Pub. L. 97-35 provided that the amendment made by that section is effective Oct. 1, 1981.

EFFECTIVE DATE OF 1980 AMENDMENT

Sections 104 to 106 of Pub. L. 96-249 provided that the amendments made by those sections are effective Oct. 1, 1981.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-58 to be implemented in all States by Jan. 1, 1980, but not to affect the rights or liabilities of Secretary, States, and applicant or participant households under provisions of this chapter as in effect on July 1, 1979, until implemented, see section 10(a) of Pub. L. 96-58, set out as a note under section 2012 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

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

INAPPLICABILITY OF SUBSECTION (j) BETWEEN DECEMBER 23, 1985, AND SEPTEMBER 30, 1989

Section 1507(a)(2) of Pub. L. 99-198 provided that: "During the period beginning on the date of the enactment of this Act [Dec. 23, 1985] and ending on September 30, 1989, section 5(j) of the Food Stamp Act of 1977 (7 U.S.C. 2014(j)) shall not apply."

REPEALS

Sections 104 and 105 of Pub. L. 96-249, cited as a credit to this section, were repealed by Pub. L. 97-35, title I, §115, Aug. 13, 1981, 95 Stat. 364.

Section 313(c)(2) of Pub. L. 96-223, cited as a credit to this section, was repealed by Pub. L. 97-35, title XXVI, §2611, Aug. 13, 1981, 95 Stat. 902, effective Oct. 1, 1981.

CALCULATION OF HOUSEHOLD INCOME

Section 1718(b) of Pub. L. 101-624 provided that:

"(1) IN GENERAL.—Notwithstanding any other provision of law, during the period beginning October 1, 1988, and ending on the first day of the first month beginning at least 120 days after the date of enactment of this Act [Nov. 28, 1990], a State agency may elect to implement the amendment to section 5(f)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2014(f)(2)) made by section 202(a) of the Hunger Prevention Act of 1988 (Public Law 100-435; 102 Stat. 1656) (with respect to the requirement that income be calculated on a prospective basis in the case of households that are not required to report monthly on their income and household circumstances).

"(2) PAYMENT ERROR RATES.—Notwithstanding section 16(c) of the Food Stamp Act of 1977 (7 U.S.C. 2025(c)), during the period referred to in paragraph (1), errors resulting solely from implementation by a State agency of the amendment referred to in paragraph (1) shall not be included in payment error rates determined under section 16(c) of such Act."

STUDY AND REPORT TO CONGRESSIONAL COMMITTEES ON IMPLEMENTATION OF AMENDMENT TO SUBSECTION (a) BY PUB. L. 99-198

Section 1507(c) of Pub. L. 99-198 provided that: "Not later than 2 years after the date of the enactment of this Act [Dec. 23, 1985], the Secretary shall—

"(1) evaluate the implementation of the second sentence of section 5(a) of the Food Stamp Act of 1977 [7 U.S.C. 2014(a)], as amended by subsection (a) of this section; and

"(2) submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Commit-

tee on Agriculture of the House of Representatives a report summarizing the results of such evaluation."

STUDY AND REPORT RESPECTING RESTRICTING BENEFITS OF FOOD STAMP PROGRAM BASED ON VALUE OF AS- SETS OF PARTICIPANTS

Pub. L. 96-243, May 16, 1980, 94 Stat. 345, directed the Department of Agriculture to study the effects of regulations which would limit benefits to participants in the food stamp program based upon value of the participants' assets, to recommend an appropriate level of asset value which would deny or reduce benefits to a participant and analyze the impacts of such a restriction, to consider appropriate exemptions to this restriction, to analyze the administrative burden which this will impose upon the States, and to report to Congress its findings in this matter not later than Jan. 15, 1981.

STUDY AND REPORT OF IMPACT AND ADVISABILITY OF COUNTING FOR INCOME ELIGIBILITY IN FOOD STAMP PROGRAM EDUCATIONAL LOANS, ETC. RECEIVED BY IN- DIVIDUAL OR HOUSEHOLD

Pub. L. 96-243, May 16, 1980, 94 Stat. 345, provided for the Secretary of Agriculture to study the impact and advisability of counting, for the purposes of income in determining eligibility: all educational loans on which payment is deferred; grants, fellowships, scholarships, and veteran's educational benefits used for the payment of tuition and mandatory fees at any educational institution of higher learning; and all housing subsidies including, but not limited to payments made by an outside party on behalf of an individual or household, and further provided for the Department of Agriculture to report to Congress its findings in this matter not later than Jan. 15, 1981.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2012, 2015, 2017, 2020, 2025, 2026, 2027, 2031, 2035 of this title; title 37 section 402a; title 42 sections 1396r-5, 8624; title 43 section 1626.

§ 2015. Eligibility disqualifications

(a) Additional specific conditions rendering individuals ineligible

In addition to meeting the standards of eligibility prescribed in section 2014 of this title, households and individuals who are members of eligible households must also meet and comply with the specific requirements of this section to be eligible for participation in the food stamp program.

(b) Fraud and misrepresentation; disqualification penalties; ineligibility period; applicable procedures

(1) Any person who has been found by any State or Federal court or administrative agency to have intentionally (A) made a false or misleading statement, or misrepresented, concealed or withheld facts, or (B) committed any act that constitutes a violation of this chapter, the regulations issued thereunder, or any State statute, for the purpose of using, presenting, transferring, acquiring, receiving, or possessing coupons or authorization cards shall, immediately upon the rendering of such determination, become ineligible for further participation in the program—

(i) for a period of 1 year upon the first occasion of any such determination;

(ii) for a period of 2 years upon—

(I) the second occasion of any such determination; or

(II) the first occasion of a finding by a Federal, State, or local court of the trading of a controlled substance (as defined in section 802 of title 21) for coupons; and

(iii) permanently upon—

(I) the third occasion of any such determination;

(II) the second occasion of a finding by a Federal, State, or local court of the trading of a controlled substance (as defined in section 802 of title 21) for coupons;

(III) the first occasion of a finding by a Federal, State, or local court of the trading of firearms, ammunition, or explosives for coupons; or

(IV) a conviction of an offense under subsection (b) or (c) of section 2024 of this title involving an item covered by subsection (b) or (c) of section 2024 of this title having a value of \$500 or more.

During the period of such ineligibility, no household shall receive increased benefits under this chapter as the result of a member of such household having been disqualified under this subsection.

(2) Each State agency shall proceed against an individual alleged to have engaged in such activity either by way of administrative hearings, after notice and an opportunity for a hearing at the State level, or by referring such matters to appropriate authorities for civil or criminal action in a court of law.

(3) Such periods of ineligibility as are provided for in paragraph (1) of this subsection shall remain in effect, without possibility of administrative stay, unless and until the finding upon which the ineligibility is based is subsequently reversed by a court of appropriate jurisdiction, but in no event shall the period of ineligibility be subject to review.

(4) The Secretary shall prescribe such regulations as the Secretary may deem appropriate to ensure that information concerning any such determination with respect to a specific individual is forwarded to the Office of the Secretary by any appropriate State or Federal entity for the use of the Secretary in administering the provisions of this section. No State shall withhold such information from the Secretary or the Secretary's designee for any reason whatsoever.

(c) Refusal to provide necessary information

Except in a case in which a household is receiving transitional benefits during the transitional benefits period under section 2020(s) of this title, no household shall be eligible to participate in the food stamp program if it refuses to cooperate in providing information to the State agency that is necessary for making a determination of its eligibility or for completing any subsequent review of its eligibility.

(1)(A) A State agency may require certain categories of households to file periodic reports of income and household circumstances in accordance with standards prescribed by the Secretary, except that a State agency may not require periodic reporting by—

(i) migrant or seasonal farmworker households;

(ii) households in which all members are homeless individuals; or

(iii) households that have no earned income and in which all adult members are elderly or disabled.

(B) Each household that is not required to file such periodic reports shall be required to report or cause to be reported to the State agency changes in income or household circumstances that the Secretary considers necessary to assure accurate eligibility and benefit determinations.

(C) A State agency may require periodic reporting on a monthly basis by households residing on a reservation only if—

(i) the State agency reinstates benefits, without requiring a new application, for any household residing on a reservation that submits a report not later than 1 month after the end of the month in which benefits would otherwise be provided;

(ii) the State agency does not delay, reduce, suspend, or terminate the allotment of a household that submits a report not later than 1 month after the end of the month in which the report is due;

(iii) on March 25, 1994, the State agency requires households residing on a reservation to file periodic reports on a monthly basis; and

(iv) the certification period for households residing on a reservation that are required to file periodic reports on a monthly basis is 2 years, unless the State demonstrates just cause to the Secretary for a shorter certification period.

(D) FREQUENCY OF REPORTING.—

(i) IN GENERAL.—Except as provided in subparagraphs (A) and (C), a State agency may require households that report on a periodic basis to submit reports—

(I) not less often than once each 6 months; but

(II) not more often than once each month.

(ii) REPORTING BY HOUSEHOLDS WITH EXCESS INCOME.—A household required to report less often than once each 3 months shall, notwithstanding subparagraph (B), report in a manner prescribed by the Secretary if the income of the household for any month exceeds the income standard of eligibility established under section 2014(c)(2) of this title.

(2) Any household required to file a periodic report under paragraph (1) of this subsection shall, (A) if it is eligible to participate and has filed a timely and complete report, receive its allotment, based on the reported information for a given month, within thirty days of the end of that month unless the Secretary determines that a longer period of time is necessary, (B) have available special procedures that permit the filing of the required information in the event all adult members of the household are mentally or physically handicapped or lacking in reading or writing skills to such a degree as to be unable to fill out the required forms, (C) have a reasonable period of time after the close of the month in which to file their reports on State agency designed

forms, (D) be afforded prompt notice of failure to file any report timely or completely, and given a reasonable opportunity to cure that failure (with any applicable time requirements extended accordingly) and to exercise its rights under section 2020(e)(10) of this title, and (E) be provided each month (or other applicable period) with an appropriate, simple form for making the required reports of the household together with clear instructions explaining how to complete the form and the rights and responsibilities of the household under any periodic reporting system.

(3) Reports required to be filed under paragraph (1) of this subsection shall be considered complete if they contain the information relevant to eligibility and benefit determinations that is specified by the State agency. All report forms, including those related to periodic reports of circumstances, shall contain a description, in understandable terms in prominent and bold face lettering, of the appropriate civil and criminal provisions dealing with violations of this chapter including the prescribed penalties. Reports required to be filed monthly under paragraph (1) shall be the sole reporting requirement for subject matter included in such reports. In promulgating regulations implementing these reporting requirements, the Secretary shall consult with the Commissioner of Social Security and the Secretary of Health and Human Services, and, wherever feasible, households that receive assistance under title IV-A of the Social Security Act [42 U.S.C. 601 et seq.] and that are required to file comparable reports under that Act [42 U.S.C. 301 et seq.] shall be provided the opportunity to file reports at the same time for purposes of this chapter and the Social Security Act.

(4) Except as provided in paragraph (1)(C), any household that fails to submit periodic reports required by paragraph (1) shall not receive an allotment for the payment period to which the unsubmitted report applies until such report is submitted.

(5) The Secretary is authorized, upon the request of a State agency, to waive any provisions of this subsection (except the provisions of the first sentence of paragraph (1) which relate to households which are not required to file periodic reports) to the extent necessary to permit the State agency to establish periodic reporting requirements for purposes of this chapter which are similar to the periodic reporting requirements established under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) in that State.

(d) Conditions of participation

(1) WORK REQUIREMENTS.—

(A) **IN GENERAL.—**No physically and mentally fit individual over the age of 15 and under the age of 60 shall be eligible to participate in the food stamp program if the individual—

(i) refuses, at the time of application and every 12 months thereafter, to register for employment in a manner prescribed by the Secretary;

(ii) refuses without good cause to participate in an employment and training program established under paragraph (4), to the extent required by the State agency;

(iii) refuses without good cause to accept an offer of employment, at a site or plant not subject to a strike or lockout at the time of the refusal, at a wage not less than the higher of—

(I) the applicable Federal or State minimum wage; or

(II) 80 percent of the wage that would have governed had the minimum hourly rate under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) been applicable to the offer of employment;

(iv) refuses without good cause to provide a State agency with sufficient information to allow the State agency to determine the employment status or the job availability of the individual;

(v) voluntarily and without good cause—

(I) quits a job; or

(II) reduces work effort and, after the reduction, the individual is working less than 30 hours per week; or

(vi) fails to comply with section 2029 of this title.

(B) **HOUSEHOLD INELIGIBILITY.—**If an individual who is the head of a household becomes ineligible to participate in the food stamp program under subparagraph (A), the household shall, at the option of the State agency, become ineligible to participate in the food stamp program for a period, determined by the State agency, that does not exceed the lesser of—

(i) the duration of the ineligibility of the individual determined under subparagraph (C); or

(ii) 180 days.

(C) DURATION OF INELIGIBILITY.—

(i) **FIRST VIOLATION.—**The first time that an individual becomes ineligible to participate in the food stamp program under subparagraph (A), the individual shall remain ineligible until the later of—

(I) the date the individual becomes eligible under subparagraph (A);

(II) the date that is 1 month after the date the individual became ineligible; or

(III) a date determined by the State agency that is not later than 3 months after the date the individual became ineligible.

(ii) **SECOND VIOLATION.—**The second time that an individual becomes ineligible to participate in the food stamp program under subparagraph (A), the individual shall remain ineligible until the later of—

(I) the date the individual becomes eligible under subparagraph (A);

(II) the date that is 3 months after the date the individual became ineligible; or

(III) a date determined by the State agency that is not later than 6 months after the date the individual became ineligible.

(iii) **THIRD OR SUBSEQUENT VIOLATION.**—The third or subsequent time that an individual becomes ineligible to participate in the food stamp program under subparagraph (A), the individual shall remain ineligible until the later of—

- (I) the date the individual becomes eligible under subparagraph (A);
- (II) the date that is 6 months after the date the individual became ineligible;
- (III) a date determined by the State agency; or
- (IV) at the option of the State agency, permanently.

(D) **ADMINISTRATION.**—

(i) **GOOD CAUSE.**—The Secretary shall determine the meaning of good cause for the purpose of this paragraph.

(ii) **VOLUNTARY QUIT.**—The Secretary shall determine the meaning of voluntarily quitting and reducing work effort for the purpose of this paragraph.

(iii) **DETERMINATION BY STATE AGENCY.**—

(I) **IN GENERAL.**—Subject to subclause (II) and clauses (i) and (ii), a State agency shall determine—

- (aa) the meaning of any term used in subparagraph (A);
- (bb) the procedures for determining whether an individual is in compliance with a requirement under subparagraph (A); and
- (cc) whether an individual is in compliance with a requirement under subparagraph (A).

(II) **NOT LESS RESTRICTIVE.**—A State agency may not use a meaning, procedure, or determination under subclause (I) that is less restrictive on individuals receiving benefits under this chapter than a comparable meaning, procedure, or determination under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

(iv) **STRIKE AGAINST THE GOVERNMENT.**—For the purpose of subparagraph (A)(v), an employee of the Federal Government, a State, or a political subdivision of a State, who is dismissed for participating in a strike against the Federal Government, the State, or the political subdivision of the State shall be considered to have voluntarily quit without good cause.

(v) **SELECTING A HEAD OF HOUSEHOLD.**—

(I) **IN GENERAL.**—For purposes of this paragraph, the State agency shall allow the household to select any adult parent of a child in the household as the head of the household if all adult household members making application under the food stamp program agree to the selection.

(II) **TIME FOR MAKING DESIGNATION.**—A household may designate the head of the household under subclause (I) each time the household is certified for participation in the food stamp program, but may not change the designation during a certification period unless there is a change in the composition of the household.

(vi) **CHANGE IN HEAD OF HOUSEHOLD.**—If the head of a household leaves the household

during a period in which the household is ineligible to participate in the food stamp program under subparagraph (B)—

(I) the household shall, if otherwise eligible, become eligible to participate in the food stamp program; and

(II) if the head of the household becomes the head of another household, the household that becomes headed by the individual shall become ineligible to participate in the food stamp program for the remaining period of ineligibility.

(2) A person who otherwise would be required to comply with the requirements of paragraph

(1) of this subsection shall be exempt from such requirements if he or she is (A) currently subject to and complying with a work registration requirement under title IV of the Social Security Act, as amended (42 U.S.C. 602), or the Federal-State unemployment compensation system, in which case, failure by such person to comply with any work requirement to which such person is subject shall be the same as failure to comply with that requirement of paragraph (1); (B) a parent or other member of a household with responsibility for the care of a dependent child under age six or of an incapacitated person; (C) a bona fide student enrolled at least half time in any recognized school, training program, or institution of higher education (except that any such person enrolled in an institution of higher education shall be ineligible to participate in the food stamp program unless he or she meets the requirements of subsection (e) of this section); (D) a regular participant in a drug addiction or alcoholic treatment and rehabilitation program; (E) employed a minimum of thirty hours per week or receiving weekly earnings which equal the minimum hourly rate under the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 206(a)(1)), multiplied by thirty hours; or (F) a person between the ages of sixteen and eighteen who is not a head of a household or who is attending school, or enrolled in an employment training program, on at least a half-time basis. A State that requested a waiver to lower the age specified in subparagraph (B) and had the waiver denied by the Secretary as of August 1, 1996, may, for a period of not more than 3 years, lower the age of a dependent child that qualifies a parent or other member of a household for an exemption under subparagraph (B) to between 1 and 6 years of age.

(3) Notwithstanding any other provision of law, a household shall not participate in the food stamp program at any time that any member of such household, not exempt from the work registration requirements of paragraph (1) of this subsection, is on strike as defined in section 142(2) of title 29, because of a labor dispute (other than a lockout) as defined in section 152(9) of title 29: *Provided*, That a household shall not lose its eligibility to participate in the food stamp program as a result of one of its members going on strike if the household was eligible for food stamps immediately prior to such strike, however, such household shall not receive an increased allotment as the result of a decrease in the income of the striking member or members of the household: *Provided further*, That such ineligibility shall not apply to any

household that does not contain a member on strike, if any of its members refuses to accept employment at a plant or site because of a strike or lockout.

(4) EMPLOYMENT AND TRAINING.—

(A) IN GENERAL.—

(i) IMPLEMENTATION.—Each State agency shall implement an employment and training program designed by the State agency and approved by the Secretary for the purpose of assisting members of households participating in the food stamp program in gaining skills, training, work, or experience that will increase their ability to obtain regular employment.

(ii) STATEWIDE WORKFORCE DEVELOPMENT SYSTEM.—Each component of an employment and training program carried out under this paragraph shall be delivered through a statewide workforce development system, unless the component is not available locally through such a system.

(B) For purposes of this chapter, an “employment and training program” means a program that contains one or more of the following components, except that the State agency shall retain the option to apply employment requirements prescribed under this subparagraph to a program applicant at the time of application:

(i) Job search programs.

(ii) Job search training programs that include, to the extent determined appropriate by the State agency, reasonable job search training and support activities that may consist of jobs skills assessments, job finding clubs, training in techniques for employability, job placement services, or other direct training or support activities, including educational programs, determined by the State agency to expand the job search abilities or employability of those subject to the program.

(iii) Workfare programs operated under section 2029 of this title.

(iv) Programs designed to improve the employability of household members through actual work experience or training, or both, and to enable individuals employed or trained under such programs to move promptly into regular public or private employment. An employment or training experience program established under this clause shall—

(I) not provide any work that has the effect of replacing the employment of an individual not participating in the employment or training experience program; and

(II) provide the same benefits and working conditions that are provided at the job site to employees performing comparable work for comparable hours.

(v) Educational programs or activities to improve basic skills and literacy, or otherwise improve employability, including educational programs determined by the State agency to expand the job search abilities or employability of those subject to the program under this paragraph.

(vi) Programs designed to increase the self-sufficiency of recipients through self-

employment, including programs that provide instruction for self-employment ventures.

(vii) As approved by the Secretary or the State under regulations issued by the Secretary, other employment, educational and training programs, projects, and experiments, such as a supported work program, aimed at accomplishing the purpose of the employment and training program.

(C) The State agency may provide that participation in an employment and training program may supplement or supplant other employment-related requirements imposed on those subject to the program.

(D)(i) Each State agency may exempt from any requirement for participation in any program under this paragraph categories of household members.

(ii) Each State agency may exempt from any requirement for participation individual household members not included in any category designated as exempt under clause (i).

(iii) Any exemption of a category or individual under this subparagraph shall be periodically evaluated to determine whether the exemption continues to be valid.

(E) Each State agency shall establish requirements for participation by individuals not exempt under subparagraph (D) in one or more employment and training programs under this paragraph, including the extent to which any individual is required to participate. Such requirements may vary among participants.

(F)(i) The total hours of work in an employment and training program carried out under this paragraph required of members of a household, together with the hours of work of such members in any program carried out under section 2029 of this title, in any month collectively may not exceed a number of hours equal to the household’s allotment for such month divided by the higher of the applicable State minimum wage or Federal minimum hourly rate under the Fair Labor Standards Act of 1938 [29 U.S.C. 206(a)(1)].

(ii) The total hours of participation in such program required of any member of a household, individually, in any month, together with any hours worked in another program carried out under section 2029 of this title and any hours worked for compensation (in cash or in kind) in any other capacity, shall not exceed one hundred and twenty hours per month.

(G) The State agency may operate any program component under this paragraph in which individuals elect to participate.

(H) Federal funds made available to a State agency for purposes of the component authorized under subparagraph (B)(v) shall not be used to supplant non-Federal funds used for existing services and activities that promote the purposes of this component.

(I)(i) The State agency shall provide payments or reimbursements to participants in programs carried out under this paragraph, including individuals participating under subparagraph (G), for—

(I) the actual costs of transportation and other actual costs (other than dependent

care costs), that are reasonably necessary and directly related to participation in the program; and

(II) the actual costs of such dependent care expenses that are determined by the State agency to be necessary for the participation of an individual in the program (other than an individual who is the caretaker relative of a dependent in a family receiving benefits under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) in a local area where an employment, training, or education program under title IV of such Act [42 U.S.C. 601 et seq.] is in operation), except that no such payment or reimbursement shall exceed the applicable local market rate. Individuals subject to the program under this paragraph may not be required to participate if dependent costs exceed the limit established by the State agency under this subclause or other actual costs exceed any limit established under subclause (I).

(ii) In lieu of providing reimbursements or payments for dependent care expenses under clause (i), a State agency may, at its option, arrange for dependent care through providers by the use of purchase of service contracts or vouchers or by providing vouchers to the household.

(iii) The value of any dependent care services provided for or arranged under clause (ii), or any amount received as a payment or reimbursement under clause (i), shall—

(I) not be treated as income for the purposes of any other Federal or federally assisted program that bases eligibility for, or the amount of benefits on, need; and

(II) not be claimed as an employment-related expense for the purposes of the credit provided under section 21 of title 26.

(J) The Secretary shall promulgate guidelines that (i) enable State agencies, to the maximum extent practicable, to design and operate an employment and training program that is compatible and consistent with similar programs operated within the State, and (ii) ensure, to the maximum extent practicable, that employment and training programs are provided for Indians on reservations.

(K) LIMITATION ON FUNDING.—Notwithstanding any other provision of this paragraph, the amount of funds a State agency uses to carry out this paragraph (including funds used to carry out subparagraph (I)) for participants who are receiving benefits under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) shall not exceed the amount of funds the State agency used in fiscal year 1995 to carry out this paragraph for participants who were receiving benefits in fiscal year 1995 under a State program funded under part A of title IV of the Act (42 U.S.C. 601 et seq.).

(L) The Secretary shall ensure that State agencies comply with the requirements of this paragraph and section 2020(e)(22)¹ of this title.

(M) The facilities of the State public employment offices and other State agencies and

providers carrying out activities under title I of the Workforce Investment Act of 1998 [29 U.S.C. 2801 et seq.] may be used to find employment and training opportunities for household members under the programs under this paragraph.

(e) Students

No individual who is a member of a household otherwise eligible to participate in the food stamp program under this section shall be eligible to participate in the food stamp program as a member of that or any other household if the individual is enrolled at least half-time in an institution of higher education, unless the individual—

(1) is under age 18 or is age 50 or older;

(2) is not physically or mentally fit;

(3) is assigned to or placed in an institution of higher education through or in compliance with the requirements of—

(A) a program under title I of the Workforce Investment Act of 1998 [29 U.S.C. 2801 et seq.];

(B) an employment and training program under this section;

(C) a program under section 2296 of title 19; or

(D) another program for the purpose of employment and training operated by a State or local government, as determined to be appropriate by the Secretary;

(4) is employed a minimum of 20 hours per week or participating in a State or federally financed work study program during the regular school year;

(5) is—

(A) a parent with responsibility for the care of a dependent child under age 6; or

(B) a parent with responsibility for the care of a dependent child above the age of 5 and under the age of 12 for whom adequate child care is not available to enable the individual to attend class and satisfy the requirements of paragraph (4);

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

(7) is so enrolled as a result of participation in the work incentive program under title IV of the Social Security Act [42 U.S.C. 601 et seq.] or its successor programs; or

(8) is enrolled full-time in an institution of higher education, as determined by the institution, and is a single parent with responsibility for the care of a dependent child under age 12.

(f) Aliens

No individual who is a member of a household otherwise eligible to participate in the food stamp program under this section shall be eligible to participate in the food stamp program as a member of that or any other household unless he or she is (1) a resident of the United States and (2) either (A) a citizen or (B) an alien lawfully admitted for permanent residence as an immigrant as defined by sections 1101(a)(15) and 1101(a)(20) of title 8, excluding, among others, alien visitors, tourists, diplomats, and students who enter the United States temporarily with

¹ See References in Text note below.

no intention of abandoning their residence in a foreign country; or (C) an alien who entered the United States prior to June 30, 1948, or such subsequent date as is enacted by law, has continuously maintained his or her residence in the United States since then, and is not ineligible for citizenship, but who is deemed to be lawfully admitted for permanent residence as a result of an exercise of discretion by the Attorney General pursuant to section 1259 of title 8; or (D) an alien who has qualified for conditional entry pursuant to sections 1157 and 1158 of title 8; or (E) an alien who is lawfully present in the United States as a result of an exercise of discretion by the Attorney General for emergent reasons or reasons deemed strictly in the public interest pursuant to section 1182(d)(5) of title 8; or (F) an alien within the United States as to whom the Attorney General has withheld deportation pursuant to section 1231(b)(3) of title 8. No aliens other than the ones specifically described in clauses (B) through (F) of this subsection shall be eligible to participate in the food stamp program as a member of any household. The income (less, at State option, a pro rata share) and financial resources of the individual rendered ineligible to participate in the food stamp program under this subsection shall be considered in determining the eligibility and the value of the allotment of the household of which such individual is a member.

(g) Residents of States which provide State supplementary payments

No individual who receives supplemental security income benefits under title XVI of the Social Security Act [42 U.S.C. 1381 et seq.], State supplementary payments described in section 1616 of such Act [42 U.S.C. 1382e], or payments of the type referred to in section 212(a) of Public Law 93-66, as amended, shall be considered to be a member of a household for any month, if, for such month, such individual resides in a State which provides State supplementary payments (1) of the type described in section 1616(a) of the Social Security Act [42 U.S.C. 1382e(a)] and section 212(a) of Public Law 93-66, and (2) the level of which has been found by the Commissioner of Social Security to have been specifically increased so as to include the bonus value of food stamps.

(h) Transfer of assets to qualify

No household that knowingly transfers assets for the purpose of qualifying or attempting to qualify for the food stamp program shall be eligible to participate in the program for a period of up to one year from the date of discovery of the transfer.

(i) Comparable treatment for disqualification

(1) In general

If a disqualification is imposed on a member of a household for a failure of the member to perform an action required under a Federal, State, or local law relating to a means-tested public assistance program, the State agency may impose the same disqualification on the member of the household under the food stamp program.

(2) Rules and procedures

If a disqualification is imposed under paragraph (1) for a failure of an individual to per-

form an action required under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), the State agency may use the rules and procedures that apply under part A of title IV of the Act to impose the same disqualification under the food stamp program.

(3) Application after disqualification period

A member of a household disqualified under paragraph (1) may, after the disqualification period has expired, apply for benefits under this chapter and shall be treated as a new applicant, except that a prior disqualification under subsection (d) of this section shall be considered in determining eligibility.

(j) Disqualification for receipt of multiple food stamp benefits

An individual shall be ineligible to participate in the food stamp program as a member of any household for a 10-year period if the individual is found by a State agency to have made, or is convicted in a Federal or State court of having made, a fraudulent statement or representation with respect to the identity or place of residence of the individual in order to receive multiple benefits simultaneously under the food stamp program.

(k) Disqualification of fleeing felons

No member of a household who is otherwise eligible to participate in the food stamp program shall be eligible to participate in the program as a member of that or any other household during any period during which the individual is—

(1) fleeing to avoid prosecution, or custody or confinement after conviction, under the law of the place from which the individual is fleeing, for a crime, or attempt to commit a crime, that is a felony under the law of the place from which the individual is fleeing or that, in the case of New Jersey, is a high misdemeanor under the law of New Jersey; or

(2) violating a condition of probation or parole imposed under a Federal or State law.

(l) Custodial parent's cooperation with child support agencies

(1) In general

At the option of a State agency, subject to paragraphs (2) and (3), no natural or adoptive parent or other individual (collectively referred to in this subsection as “the individual”) who is living with and exercising parental control over a child under the age of 18 who has an absent parent shall be eligible to participate in the food stamp program unless the individual cooperates with the State agency administering the program established under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.)—

(A) in establishing the paternity of the child (if the child is born out of wedlock); and

(B) in obtaining support for—

(i) the child; or

(ii) the individual and the child.

(2) Good cause for noncooperation

Paragraph (1) shall not apply to the individual if good cause is found for refusing to cooperate, as determined by the State agency in

accordance with standards prescribed by the Secretary in consultation with the Secretary of Health and Human Services. The standards shall take into consideration circumstances under which cooperation may be against the best interests of the child.

(3) Fees

Paragraph (1) shall not require the payment of a fee or other cost for services provided under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.).

(m) Noncustodial parent's cooperation with child support agencies

(1) In general

At the option of a State agency, subject to paragraphs (2) and (3), a putative or identified noncustodial parent of a child under the age of 18 (referred to in this subsection as "the individual") shall not be eligible to participate in the food stamp program if the individual refuses to cooperate with the State agency administering the program established under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.)—

(A) in establishing the paternity of the child (if the child is born out of wedlock); and

(B) in providing support for the child.

(2) Refusal to cooperate

(A) Guidelines

The Secretary, in consultation with the Secretary of Health and Human Services, shall develop guidelines on what constitutes a refusal to cooperate under paragraph (1).

(B) Procedures

The State agency shall develop procedures, using guidelines developed under subparagraph (A), for determining whether an individual is refusing to cooperate under paragraph (1).

(3) Fees

Paragraph (1) shall not require the payment of a fee or other cost for services provided under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.).

(4) Privacy

The State agency shall provide safeguards to restrict the use of information collected by a State agency administering the program established under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.) to purposes for which the information is collected.

(n) Disqualification for child support arrears

(1) In general

At the option of a State agency, no individual shall be eligible to participate in the food stamp program as a member of any household during any month that the individual is delinquent in any payment due under a court order for the support of a child of the individual.

(2) Exceptions

Paragraph (1) shall not apply if—

(A) a court is allowing the individual to delay payment; or

(B) the individual is complying with a payment plan approved by a court or the State

agency designated under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.) to provide support for the child of the individual.

(o) Work requirement

(1) "Work program" defined

In this subsection, the term "work program" means—

(A) a program under the² title I of the Workforce Investment Act of 1998 [29 U.S.C. 2801 et seq.];

(B) a program under section 2296 of title 19; and

(C) a program of employment and training operated or supervised by a State or political subdivision of a State that meets standards approved by the Governor of the State, including a program under subsection (d)(4) of this section, other than a job search program or a job search training program.

(2) Work requirement

Subject to the other provisions of this subsection, no individual shall be eligible to participate in the food stamp program as a member of any household if, during the preceding 36-month period, the individual received food stamp benefits for not less than 3 months (consecutive or otherwise) during which the individual did not—

(A) work 20 hours or more per week, averaged monthly;

(B) participate in and comply with the requirements of a work program for 20 hours or more per week, as determined by the State agency;

(C) participate in and comply with the requirements of a program under section 2029 of this title or a comparable program established by a State or political subdivision of a State; or

(D) receive benefits pursuant to paragraph (3), (4), (5), or (6).

(3) Exception

Paragraph (2) shall not apply to an individual if the individual is—

(A) under 18 or over 50 years of age;

(B) medically certified as physically or mentally unfit for employment;

(C) a parent or other member of a household with responsibility for a dependent child;

(D) otherwise exempt under subsection (d)(2) of this section; or

(E) a pregnant woman.

(4) Waiver

(A) In general

On the request of a State agency, the Secretary may waive the applicability of paragraph (2) to any group of individuals in the State if the Secretary makes a determination that the area in which the individuals reside—

(i) has an unemployment rate of over 10 percent; or

(ii) does not have a sufficient number of jobs to provide employment for the individuals.

² So in original. The word "the" probably should not appear.

(B) Report

The Secretary shall report the basis for a waiver under subparagraph (A) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(5) Subsequent eligibility**(A) Regaining eligibility**

An individual denied eligibility under paragraph (2) shall regain eligibility to participate in the food stamp program if, during a 30-day period, the individual—

- (i) works 80 or more hours;
- (ii) participates in and complies with the requirements of a work program for 80 or more hours, as determined by a State agency; or
- (iii) participates in and complies with the requirements of a program under section 2029 of this title or a comparable program established by a State or political subdivision of a State.

(B) Maintaining eligibility

An individual who regains eligibility under subparagraph (A) shall remain eligible as long as the individual meets the requirements of subparagraph (A), (B), or (C) of paragraph (2).

(C) Loss of employment**(i) In general**

An individual who regained eligibility under subparagraph (A) and who no longer meets the requirements of subparagraph (A), (B), or (C) of paragraph (2) shall remain eligible for a consecutive 3-month period, beginning on the date the individual first notifies the State agency that the individual no longer meets the requirements of subparagraph (A), (B), or (C) of paragraph (2).

(ii) Limitation

An individual shall not receive any benefits pursuant to clause (i) for more than a single 3-month period in any 36-month period.

(6) 15-percent exemption**(A) Definitions**

In this paragraph:

(i) Caseload

The term “caseload” means the average monthly number of individuals receiving food stamps during the 12-month period ending the preceding June 30.

(ii) Covered individual

The term “covered individual” means a food stamp recipient, or an individual denied eligibility for food stamp benefits solely due to paragraph (2), who—

- (I) is not eligible for an exception under paragraph (3);
- (II) does not reside in an area covered by a waiver granted under paragraph (4);
- (III) is not complying with subparagraph (A), (B), or (C) of paragraph (2);

(IV) is not receiving food stamp benefits during the 3 months of eligibility provided under paragraph (2); and

(V) is not receiving food stamp benefits under paragraph (5).

(B) General rule

Subject to subparagraphs (C) through (G), a State agency may provide an exemption from the requirements of paragraph (2) for covered individuals.

(C) Fiscal year 1998

Subject to subparagraphs (E) and (G), for fiscal year 1998, a State agency may provide a number of exemptions such that the average monthly number of the exemptions in effect during the fiscal year does not exceed 15 percent of the number of covered individuals in the State in fiscal year 1998, as estimated by the Secretary, based on the survey conducted to carry out section 2025(c) of this title for fiscal year 1996 and such other factors as the Secretary considers appropriate due to the timing and limitations of the survey.

(D) Subsequent fiscal years

Subject to subparagraphs (E) through (G), for fiscal year 1999 and each subsequent fiscal year, a State agency may provide a number of exemptions such that the average monthly number of the exemptions in effect during the fiscal year does not exceed 15 percent of the number of covered individuals in the State, as estimated by the Secretary under subparagraph (C), adjusted by the Secretary to reflect changes in the State’s caseload and the Secretary’s estimate of changes in the proportion of food stamp recipients covered by waivers granted under paragraph (4).

(E) Caseload adjustments

The Secretary shall adjust the number of individuals estimated for a State under subparagraph (C) or (D) during a fiscal year if the number of food stamp recipients in the State varies from the State’s caseload by more than 10 percent, as determined by the Secretary.

(F) Exemption adjustments

During fiscal year 1999 and each subsequent fiscal year, the Secretary shall increase or decrease the number of individuals who may be granted an exemption by a State agency under this paragraph to the extent that the average monthly number of exemptions in effect in the State for the preceding fiscal year under this paragraph is lesser or greater than the average monthly number of exemptions estimated for the State agency for such preceding fiscal year under this paragraph.

(G) Reporting requirement

A State agency shall submit such reports to the Secretary as the Secretary determines are necessary to ensure compliance with this paragraph.

(7) Other program rules

Nothing in this subsection shall make an individual eligible for benefits under this chap-

ter if the individual is not otherwise eligible for benefits under the other provisions of this chapter.

(Pub. L. 88-525, §6, Aug. 31, 1964, 78 Stat. 704; Pub. L. 94-339, §3, July 5, 1976, 90 Stat. 800; Pub. L. 95-113, title XIII, §1301, Sept. 29, 1977, 91 Stat. 964; Pub. L. 96-58, §§5, 9, Aug. 14, 1979, 93 Stat. 391, 392; Pub. L. 96-249, title I, §§109, 110, 114, 115, 139, 140, May 26, 1980, 94 Stat. 359, 361, 370; Pub. L. 97-35, title I, §§108(b), (c), 109, 112, Aug. 13, 1981, 95 Stat. 361, 362; Pub. L. 97-98, title XIII, §§1310, 1311, Dec. 22, 1981, 95 Stat. 1284, 1285; Pub. L. 97-253, title I, §§145(e), 154-161, 189(b)(1), 190(a), (b), Sept. 8, 1982, 96 Stat. 774, 777, 778, 787; Pub. L. 98-204, §§5, 6, Dec. 2, 1983, 97 Stat. 1385, 1386; Pub. L. 99-198, title XV, §§1513(b), 1516, 1517(a), Dec. 23, 1985, 99 Stat. 1571-1573; Pub. L. 100-435, title II, §202(b), (c), title IV, §404(a)-(d), Sept. 19, 1988, 102 Stat. 1656, 1665-1667; Pub. L. 101-624, title XVII, §§1723-1726(b)(1), (c), (d), 1727, Nov. 28, 1990, 104 Stat. 3786-3788; Pub. L. 102-237, title IX, §§907, 941(3), Dec. 13, 1991, 105 Stat. 1885, 1892; Pub. L. 103-66, title XIII, §§13922(b), 13942, Aug. 10, 1993, 107 Stat. 675, 677; Pub. L. 103-225, title I, §§101(a), 104(b), Mar. 25, 1994, 108 Stat. 106, 107; Pub. L. 103-296, title I, §108(f)(1), (2), Aug. 15, 1994, 108 Stat. 1486, 1487; Pub. L. 104-193, title I, §109(b), title VIII, §§813-815(a), 816, 817(a), 818, 819(a), (c), 820-824(a), Aug. 22, 1996, 110 Stat. 2169, 2314, 2315, 2318, 2320-2323; Pub. L. 104-208, div. C, title III, §308(g)(7)(D)(i), Sept. 30, 1996, 110 Stat. 3009-624; Pub. L. 105-33, title I, §1001, Aug. 5, 1997, 111 Stat. 251; Pub. L. 105-277, div. A, §101(f) [title VIII, §405(d)(2)(B)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-418, 2681-429; Pub. L. 107-171, title IV, §§4109, 4115(b)(2), 4121(c), May 13, 2002, 116 Stat. 309, 315, 324.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsecs. (c)(3), (5), (d)(1)(D)(iii)(II), (2), (4)(I)(i)(II), (K), (e)(6), (7), (g), (i)(2), (j)(1), (3), (m), and (n)(2)(B), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended, which is classified generally to chapter 7 (§301 et seq.) of Title 42, The Public Health and Welfare. Part D of title IV of the Act is classified generally to part D (§651 et seq.) of subchapter IV of chapter 7 of Title 42. Title IV-A of the Act (part A of title IV) is classified generally to part A (§601 et seq.) of subchapter IV of chapter 7 of Title 42. Titles IV and XVI of the Social Security Act are classified generally to subchapters IV (§601 et seq.) and XVI (§1381 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 Fair Labor Standards Act of 1938, as amended, referred to in subsec. (d)(2), (4)(F)(i), is act June 25, 1938, ch. 676, 52 Stat. 1060, as amended, which is classified generally to chapter 8 (§201 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see section 201 of Title 29 and Tables.

Section 2020(e)(22) of this title, referred to in subsec. (d)(4)(L), was redesignated section 2020(e)(21) of this title by Pub. L. 104-193, title VIII, §835(1)(D)(i), Aug. 22, 1996, 110 Stat. 2330.

The Workforce Investment Act of 1998, referred to in subsecs. (d)(4)(M), (e)(3)(A), and (o)(1)(A), is Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, as amended. Title I of the Act is classified principally to chapter 30 (§2801 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of Title 20, Education, and Tables.

Section 212(a) of Pub. L. 93-66, referred to in subsec. (g), is Pub. L. 93-66, title II, §212(a), July 9, 1973, 87 Stat. 155, which is set out as a note under section 1382 of Title 42, The Public Health and Welfare.

AMENDMENTS

2002—Subsec. (c). Pub. L. 107-171, §4115(b)(2), substituted “Except in a case in which a household is receiving transitional benefits during the transitional benefits period under section 2020(s) of this title, no household” for “No household” in introductory provisions.

Subsec. (c)(1)(B). Pub. L. 107-171, §4109(1), struck out “on a monthly basis” after “periodic reports”.

Subsec. (c)(1)(D). Pub. L. 107-171, §4109(2), added subpar. (D).

Subsec. (d)(4)(I)(i)(I). Pub. L. 107-171, §4121(c), struck out “, except that the State agency may limit such reimbursement to each participant to \$25 per month” before semicolon.

1998—Subsec. (d)(4)(M). Pub. L. 105-277, §101(f) [title VIII, §405(f)(2)(B)(i)], struck out “the State public employment offices and agencies operating programs under the Job Training Partnership Act or of” after “The facilities of”.

Pub. L. 105-277, §101(f) [title VIII, §405(d)(2)(B)(i)], substituted “the State public employment offices and agencies operating programs under the Job Training Partnership Act or of the State public employment offices and other State agencies and providers carrying out activities under title I of the Workforce Investment Act of 1998” for “the State public employment offices and agencies operating programs under the Job Training Partnership Act”.

Subsec. (e)(3)(A). Pub. L. 105-277, §101(f) [title VIII, §405(f)(2)(B)(ii)], added subpar. (A) and struck out former subpar. (A) which read as follows: “a program under the Job Training Partnership Act or title I of the Workforce Investment Act of 1998;”.

Pub. L. 105-277, §101(f) [title VIII, §405(d)(2)(B)(ii)], added subpar. (A) and struck out former subpar. (A) which read as follows: “a program under the Job Training Partnership Act (29 U.S.C. 1501 et seq.);”.

Subsec. (o)(1)(A). Pub. L. 105-277, §101(f) [title VIII, §405(f)(2)(B)(iii)], struck out “Job Training Partnership Act or” before “title I”.

Pub. L. 105-277, §101(f) [title VIII, §405(d)(2)(B)(iii)], substituted “Job Training Partnership Act or title I of the Workforce Investment Act of 1998” for “Job Training Partnership Act (29 U.S.C. 1501 et seq.)”.

1997—Subsec. (o)(2)(D). Pub. L. 105-33, §1001(1), substituted “(5), or (6)” for “or (5)”.

Subsec. (o)(6), (7). Pub. L. 105-33, §1001(2), (3), added par. (6) and redesignated former par. (6) as (7).

1996—Subsec. (b)(1)(i). Pub. L. 104-193, §813(1), substituted “1 year” for “six months”.

Subsec. (b)(1)(ii). Pub. L. 104-193, §813(2), substituted “2 years” for “1 year”.

Subsec. (b)(1)(iii)(IV). Pub. L. 104-193, §814, added subcl. (IV).

Subsec. (c)(5). Pub. L. 104-193, §109(b)(1), substituted “the State program funded” for “the State plan approved”.

Subsec. (d). Pub. L. 104-193, §815(a), inserted subsec. heading.

Subsec. (d)(1). Pub. L. 104-193, §815(a), added par. (1) and struck out former par. (1) which related to ineligibility in case of refusal of person or head of household to register for or accept employment.

Subsec. (d)(2). Pub. L. 104-193, §§816, 819(c), struck out “that is comparable to a requirement of paragraph (1)” after “person is subject” in cl. (A) and inserted at end “A State that requested a waiver to lower the age specified in subparagraph (B) and had the waiver denied by the Secretary as of August 1, 1996, may, for a period of not more than 3 years, lower the age of a dependent child that qualifies a parent or other member of a household for an exemption under subparagraph (B) to between 1 and 6 years of age.”

Subsec. (d)(4). Pub. L. 104-193, §817(a)(1), inserted par. heading.

Subsec. (d)(4)(A). Pub. L. 104-193, §817(a)(1), (2), inserted subpar. heading, designated existing provisions as cl. (i), inserted heading, substituted “Each State”

for “Not later than April 1, 1987, each State”, inserted “work,” after “skills, training,” and added cl. (ii).

Subsec. (d)(4)(B). Pub. L. 104-193, §817(a)(3), in introductory provisions, inserted before colon “, except that the State agency shall retain the option to apply employment requirements prescribed under this subparagraph to a program applicant at the time of application”, in cl. (i), struck out “with terms and conditions comparable to those prescribed in subparagraphs (A) and (B) of section 402(a)(35) of part A of title IV of the Social Security Act, except that the State agency shall retain the option to apply employment requirements prescribed under this clause to program applicants at the time of application” after “search programs”, and in cl. (iv), redesignated subcls. (III) and (IV) as (I) and (II), respectively, and struck out former subcls. (I) and (II) which read as follows:

“(I) limit employment experience assignments to projects that serve a useful public purpose in fields such as health, social services, environmental protection, urban and rural development and redevelopment, welfare, recreation, public facilities, public safety, and day care;

“(II) to the extent possible, use the prior training, experience, and skills of the participating member in making appropriate employment or training experience assignments;”.

Subsec. (d)(4)(D). Pub. L. 104-193, §817(a)(4), in cl. (i), struck out “to which the application of such participation requirement is impracticable as applied to such categories due to factors such as the availability of work opportunities and the cost-effectiveness of the employment requirements. In making such a determination, the State agency may designate a category consisting of all such household members residing in a specific area of the State. Each State may exempt, with the approval of the Secretary, members of households that have participated in the food stamp program 30 days or less” after “household members”, in cl. (ii), struck out “but with respect to whom such participation is impracticable because of personal circumstances such as lack of job readiness and employability, the remote location of work opportunities, and unavailability of child care” after “clause (i)”, and in cl. (iii), substituted “the exemption continues to be valid” for “, on the basis of the factors used to make a determination under clause (i) or (ii), the exemption continues to be valid. Such evaluations shall occur no less often than at each certification or recertification in the case of exemptions under clause (ii)”.

Subsec. (d)(4)(E). Pub. L. 104-193, §817(a)(5), struck out at end “Through September 30, 1995, two States may, on application to and after approval by the Secretary, give priority in the provision of services to voluntary participants (including both exempt and non-exempt participants), except that this sentence shall not excuse a State from compliance with the performance standards issued under subparagraphs (K) and (L), and the Secretary may, at the Secretary’s discretion, approve additional States’ requests to give such priority if the Secretary reports to Congress on the number and characteristics of voluntary participants given priority under this sentence and such other information as the Secretary determines to be appropriate.”

Subsec. (d)(4)(G). Pub. L. 104-193, §817(a)(6), struck out “(i)” after “(G)” and struck out cl. (ii) which read as follows: “The State agency shall permit, to the extent it determines practicable, individuals not subject to requirements imposed under subparagraph (E) or who have complied, or are in the process of complying, with such requirements to participate in any program under this paragraph.”

Subsec. (d)(4)(H). Pub. L. 104-193, §817(a)(7), struck out “(ii)” before “Federal funds” and struck out cl. (i) which read as follows: “The Secretary shall issue regulations under which each State agency shall establish a conciliation procedure for the resolution of disputes involving the participation of an individual in the program.”

Subsec. (d)(4)(I)(i)(II). Pub. L. 104-193, §817(a)(8), substituted “), except that no such payment or reimburse-

ment shall exceed the applicable local market rate” for “, or was in operation, on September 19, 1988) up to any limit set by the State agency (which limit shall not be less than the limit for the dependent care deduction under section 2014(e) of this title), but in no event shall such payment or reimbursements exceed the applicable local market rate as determined by procedures consistent with any such determination under the Social Security Act”.

Subsec. (d)(4)(K). Pub. L. 104-193, §817(a)(9)(A), added subpar. (K) and struck out former subpar. (K) which authorized establishment of performance standards for each State that, in case of persons who were subject to employment requirements under this section and who were not exempt under subpar. (D), designated minimum percentages (not to exceed 10 percent in fiscal years 1992 and 1993, and 15 percent in fiscal years 1994 and 1995) of such persons that State agencies were to place in employment and training programs.

Subsec. (d)(4)(L). Pub. L. 104-193, §817(a)(10), struck out “(i)” before “The Secretary” and struck out cl. (ii) which read as follows: “If the Secretary determines that a State agency has failed, without good cause, to comply with such a requirement, including any failure to meet a performance standard under subparagraph (J), the Secretary may withhold from such State, in accordance with section 2025(a), (c), and (h) of this title, such funds as the Secretary determines to be appropriate, subject to administrative and judicial review under section 2023 of this title.”

Pub. L. 104-193, §817(a)(9), redesignated subpar. (M) as (L) and struck out former subpar. (L) which authorized Secretary to establish performance standards and measures applicable to employment and training programs that were based on employment outcomes, including increases in earnings.

Subsec. (d)(4)(M), (N). Pub. L. 104-193, §817(a)(9)(B), redesignated subpars. (M) and (N) as (L) and (M), respectively.

Subsec. (e)(6). Pub. L. 104-193, §109(b)(2), substituted “benefits under a State program funded” for “aid to families with dependent children”.

Subsec. (f). Pub. L. 104-193, §818, in last sentence, inserted “, at State option,” after “(less)”.

Subsec. (f)(2)(F). Pub. L. 104-208 substituted “1231(b)(3)” for “1253(h)”.

Subsec. (i). Pub. L. 104-193, §819(a), added subsec. (i).

Subsec. (j). Pub. L. 104-193, §820, added subsec. (j).

Subsec. (k). Pub. L. 104-193, §821, added subsec. (k).

Subsecs. (l), (m). Pub. L. 104-193, §822, added subsecs. (l) and (m).

Subsec. (n). Pub. L. 104-193, §823, added subsec. (n).

Subsec. (o). Pub. L. 104-193, §824(a), added subsec. (o). 1994—Subsec. (c)(1)(A)(ii) to (iv). Pub. L. 103-225, §101(a)(1), redesignated cls. (iii) and (iv) as (ii) and (iii), respectively, and struck out former cl. (ii) which read “households residing on a reservation;”.

Subsec. (c)(1)(C). Pub. L. 103-225, §101(a)(2), added subpar. (C).

Subsec. (c)(3). Pub. L. 103-296, §108(f)(1), inserted “the Commissioner of Social Security and” before “the Secretary of Health and Human Services”.

Subsec. (c)(4). Pub. L. 103-225, §104(b), substituted “Except as provided in paragraph (1)(C), any” for “Any”.

Subsec. (g). Pub. L. 103-296, §108(f)(2), substituted “Commissioner of Social Security” for “Secretary of Health and Human Services”.

1993—Subsec. (b)(1)(ii), (iii). Pub. L. 103-66, §13942, added cls. (ii) and (iii) and struck out former cls. (ii) and (iii) which read as follows:

“(ii) for a period of one year upon the second occasion of any such determination; and

“(iii) permanently upon the third occasion of any such determination.”

Subsec. (d)(4)(I)(i)(II). Pub. L. 103-66, §13922(b), amended subcl. (II) generally. Prior to amendment, subcl. (II) read as follows: “the actual costs of such dependent care expenses that are determined by the State agency to be necessary for the participation of an indi-

vidual in the program (other than an individual who is the caretaker relative of a dependent in a family receiving benefits under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) in a local area where an employment, training, or education program under title IV of such Act is in operation or was in operation, on September 19, 1988), but in no event shall such payment or reimbursements exceed \$160 per dependent per month. Individuals subject to the program under this paragraph may not be required to participate if dependent care costs exceed \$160 per dependent per month.”

1991—Subsec. (c)(1)(A)(ii). Pub. L. 102-237, §941(3)(A), realigned margin.

Subsec. (d)(1)(A). Pub. L. 102-237, §941(3)(B), substituted “who is a physically” for “who is physically”, “Secretary; (ii) refuses” for “Secretary; (ii) refuses” requiring no change in text, and “two months; or (iii) refuses” for “two months; (iii) refuses”.

Subsec. (d)(4)(B)(vii). Pub. L. 102-237, §941(3)(C), substituted “Secretary,” for “Secretary,,” and “aimed at” for “aimed an”.

Subsec. (d)(4)(D)(iii). Pub. L. 102-237, §941(3)(D), substituted “clause (i) or (ii)” for “clauses (i) or (ii)”.

Subsec. (d)(4)(I)(i)(II). Pub. L. 102-237, §941(3)(E), substituted “601 et seq.” for “601 et seq.” and “), but in” for “, but in”.

Subsec. (d)(4)(K)(i). Pub. L. 102-237, §907(b), substituted “10 percent in fiscal years 1992 and 1993, and 15 percent in fiscal years 1994 and 1995” for “50 percent through September 30, 1989” and inserted at end “The Secretary shall not require the plan of a State agency to provide for the participation of a number of recipients greater than 10 percent in fiscal years 1992 and 1993, and 15 percent in fiscal years 1994 and 1995, of the persons who are subject to employment requirements under this section and who are not exempt under subparagraph (D).”

Subsec. (d)(4)(L). Pub. L. 102-237, §907(a), amended subpar. (L) generally, substituting present provisions for provisions requiring establishment of performance standards by the Secretary, after consultation with the Office of Technology Assessment, Secretary of Labor, Secretary of Health and Human Services, and appropriate designated State officials, which standards were to be coordinated with the corresponding standards under the Job Training Partnership Act and the performance standards under title IV of the Social Security Act, which were to permit variations to take into account differing conditions in different States, and which were to be published and implemented not later than Oct. 1, 1991, and directing the Office of Technology Assessment, not later than 180 days after the Secretary publishes proposed measures for performance standards, to develop model performance standards, compare these standards with the Secretary, and report the result of such comparison to the Speaker of the House of Representatives, President pro tempore of the Senate, and Secretary of Agriculture.

1990—Subsec. (c)(1)(A)(ii) to (iv). Pub. L. 101-624, §1723, added cl. (ii) and redesignated former cls. (ii) and (iii) as (iii) and (iv), respectively.

Subsec. (c)(2)(C). Pub. L. 101-624, §1724(1), substituted “State agency designed forms” for “forms approved by the Secretary”.

Subsec. (c)(3). Pub. L. 101-624, §1724(2), substituted “they contain the information relevant to eligibility and benefit determinations that is specified by the State agency” for “, in accordance with standards prescribed by the Secretary, they contain sufficient information to enable the State agency to determine household eligibility and allotment levels”.

Subsec. (d)(1). Pub. L. 101-624, §1725, inserted after first sentence “The State agency shall allow the household to select an adult parent of children in the household as its head where all adult household members making application agree to the selection. The household may designate its head of household under this paragraph each time the household is certified for participation in the food stamp program, but may not change the designation during a certification period

unless there is a change in the composition of the household.”

Subsec. (d)(4)(B)(v). Pub. L. 101-624, §1726(a), inserted “and literacy,” after “basic skills”.

Subsec. (d)(4)(B)(vi), (vii). Pub. L. 101-624, §1726(b)(1), added cl. (vi) and redesignated former cl. (vi) as (vii).

Subsec. (d)(4)(E). Pub. L. 101-624, §1726(c), inserted at end “Through September 30, 1995, two States may, on application to and after approval by the Secretary, give priority in the provision of services to voluntary participants (including both exempt and non-exempt participants), except that this sentence shall not excuse a State from compliance with the performance standards issued under subparagraphs (K) and (L), and the Secretary may, at the Secretary’s discretion, approve additional States’ requests to give such priority if the Secretary reports to Congress on the number and characteristics of voluntary participants given priority under this sentence and such other information as the Secretary determines to be appropriate.”

Subsec. (d)(4)(L)(iii). Pub. L. 101-624, §1726(d), substituted “October” for “April”.

Subsec. (e). Pub. L. 101-624, §1727, amended subsec. (e) generally. Prior to amendment, subsec. (e) read as follows: “No individual who is a member of a household otherwise eligible to participate in the food stamp program under this section shall be eligible to participate in the food stamp program as a member of that or any other household if he or she (1) is physically and mentally fit and is between the ages of eighteen and sixty, (2) is enrolled at least half time in an institution of higher education, or is an individual who is not assigned to or placed in an institution of higher learning through a program under the Job Training Partnership Act, and (3)(A) is not employed a minimum of twenty hours per week or does not participate in a federally financed work study program during the regular school year; (B) is not a parent with responsibility for the care of a dependent child under age six; (C) is not a parent with responsibility for the care of a dependent child above the age of five and under the age of twelve for whom adequate child care is not available; (D) is not receiving aid to families with dependent children under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); or (E) is not so enrolled as a result of participation in the work incentive program under title IV of the Social Security Act, as amended (42 U.S.C. 602).”

1988—Subsec. (c)(1). Pub. L. 100-435, §202(b), substituted subpars. (A) and (B) for undesignated provisions requiring households with household income determined on retrospective basis to file periodic reports with system of less frequent reporting for certain categories of households.

Subsec. (c)(2). Pub. L. 100-435, §202(c), added cl. (E).

Subsec. (d)(4)(B)(i). Pub. L. 100-435, §404(a)(1), struck out “have no obligation to incur costs exceeding \$25 per participant per month, as provided in subparagraph (B)(vi), and the State agency shall” before “retain the option”.

Subsec. (d)(4)(B)(v). Pub. L. 100-435, §404(a)(3), (4), added cl. (v). Former cl. (v) redesignated (vi).

Subsec. (d)(4)(B)(vi). Pub. L. 100-435, §404(a)(2), (3), redesignated former cl. (v) as (vi) and inserted “or the State under regulations issued by the Secretary,” after “the Secretary” and “employment, educational and training” after “other”.

Subsec. (d)(4)(H). Pub. L. 100-435, §404(b), added subpar. (H). Former subpar. (H) redesignated (I).

Subsec. (d)(4)(I). Pub. L. 100-435, §404(b)(1), (c), redesignated subpar. (H) as (I) and amended subpar. generally. Prior to amendment, subpar. (I) read as follows: “The State agency shall reimburse participants in programs carried out under this paragraph, including those participating under subparagraph (G), for the actual costs of transportation, and other actual costs, that are reasonably necessary and directly related to participation in the program, except that the State agency may limit such reimbursement to each participant to \$25 per month.” Former subpar. (I) redesignated (J).

Subsec. (d)(4)(J), (K). Pub. L. 100-435, § 404(b)(1), redesignated subpars. (I) and (J) as (J) and (K), respectively. Former subpar. (K) redesignated (M).

Subsec. (d)(4)(L). Pub. L. 100-435, § 404(b)(1), (d), added subpar. (L) and redesignated former subpar. (L) as (N).

Subsec. (d)(4)(M), (N). Pub. L. 100-435, § 404(b)(1), redesignated former subpars. (K) and (L) as (M) and (N), respectively.

1985—Subsec. (c)(1). Pub. L. 99-198, § 1513(b)(1), amended first sentence generally. Prior to amendment, first sentence read as follows: “State agencies shall require certain categories of households, including all households with earned income, except migrant farmworker households, all households with potential earners, including individuals receiving unemployment compensation benefits and individuals required by subsection (d) of this section to register for work, and all households required to file a similar report under title IV-A of the Social Security Act, but not including households that have no earned income and in which all adult members are elderly or disabled members, to file periodic reports of household circumstances in accordance with standards prescribed by the Secretary, except that a State agency may, with the prior approval of the Secretary, select categories of households which may report at specified less frequent intervals upon a showing by the State agency, which is satisfactory to the Secretary, that to require households in such categories to report monthly would result in unwarranted expenditures for administration of this subsection.”

Pub. L. 99-198, § 1513(b)(2), inserted after second sentence, provision empowering State agencies to require households, other than households with respect to which household income is required by section 2014(f)(2)(A) of this title to be calculated on a prospective basis, to file periodic reports of household circumstances in accordance with the standards prescribed by the Secretary under the preceding provisions of this paragraph.

Subsec. (d)(1). Pub. L. 99-198, § 1516(2), inserted sentences at end of par. (1) directing that any period of ineligibility for violations under this paragraph shall end when the household member who committed the violation complies with the requirement that has been violated, and that if the household member who committed the violation leaves the household during the period of ineligibility, such household shall no longer be subject to sanction for such violation and, if it is otherwise eligible, may resume participation in the food stamp program, but any other household of which such person thereafter becomes the head of the household shall be ineligible for the balance of the period of ineligibility.

Subsec. (d)(1)(A). Pub. L. 99-198, § 1516(1)(A), (B), designated existing provisions of first sentence of par. (1) as cl. (A) and in provisions of cl. (A) as so designated substituted “no person shall be eligible to participate in the food stamp program who is a physically and mentally fit person between the ages of sixteen and sixty” for “no household shall be eligible for assistance under this chapter if it includes a physically and mentally fit person between the ages of eighteen and sixty” in provisions preceding subcl. (i).

Subsec. (d)(1)(A)(ii). Pub. L. 99-198, § 1517(a)(1), substituted “refuses without good cause to participate in an employment and training program under paragraph (4), to the extent required under paragraph (4), including any reasonable employment requirements as are prescribed by the State agency in accordance with paragraph (4), and the period of ineligibility shall be two months” for “refuses to fulfill whatever reasonable reporting and inquiry about employment requirements as are prescribed by the Secretary, which may include a requirement that, at the option of the State agency, such reporting and inquiry commence at the time of application”.

Subsec. (d)(1)(A)(iii), (iv). Pub. L. 99-198, § 1516(1)(C), redesignated cl. (iv) as (iii). Former cl. (iii), relating to a head of household who voluntarily quits any job without good cause, with a proviso that the period of ineligibility would be ninety days, was struck out.

Subsec. (d)(1)(B). Pub. L. 99-198, § 1516(1)(D), added cl. (B).

Subsec. (d)(2)(F). Pub. L. 99-198, § 1516(3), added cl. (F).

Subsec. (d)(4). Pub. L. 99-198, § 1517(a)(2), added par. (4).

Subsec. (e)(2). Pub. L. 99-198, § 1516(4), inserted “or is an individual who is not assigned to or placed in an institution of higher learning through a program under the Job Training Partnership Act.”

Subsec. (f)(2)(D). Pub. L. 99-198, § 1516(5)(A), (B), substituted “sections 1157 and 1158 of title 8” for “section 1153(a)(7) of title 8 because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic natural calamity”.

Subsec. (f)(2)(F). Pub. L. 99-198, § 1516(5)(C), struck out “because of the judgment of the Attorney General that the alien would otherwise be subject to persecution on account of race, religion, or political opinion” after “section 1253(h) of title 8”.

1983—Subsec. (c)(1). Pub. L. 98-204, § 5, inserted sentence authorizing the Secretary to permit State agencies to accept, as satisfying the requirement that households report at such specified less frequent intervals, (i) recertifications conducted in accordance with section 2020(e)(4) of this title, (ii) in-person interviews conducted during a certification period, (iii) written reports filed by households, or (iv) such other documentation or actions as the Secretary may prescribe.

Subsec. (c)(3). Pub. L. 98-204, § 6, substituted “Reports required to be filed monthly under paragraph (1) shall be the sole reporting requirement for subject matter included in such reports” for “The reporting requirements contained in paragraph (1) of this subsection shall be the sole such requirements for reporting changes in circumstances for participating households”.

1982—Subsec. (c)(1). Pub. L. 97-253, §§ 145(e), 154, 155, in first sentence substituted “in which all adult members are elderly or disabled members” for “in which all members are sixty years of age or over or receive supplemental security income benefits under title XVI of the Social Security Act or disability and blindness payments under title I, II, X, XIV, and XVI of the Social Security Act” and inserted provision that a State agency may, with the prior approval of the Secretary, select categories of households which may report at specified less frequent intervals upon a showing by the State agency, which is satisfactory to the Secretary, that to require households in such categories to report monthly would result in unwarranted expenditures for administration of this subsection, and, in last sentence, struck out “, on a form designed or approved by the Secretary,” after “to the State agency”.

Subsec. (c)(5). Pub. L. 97-253, § 156, added par. (5).

Subsec. (d)(1). Pub. L. 97-253, §§ 157, 158, inserted “, which may include a requirement that, at the option of the State agency, such reporting and inquiry commence at the time of application” after “Secretary” in cl. (ii), substituted “ninety days” for “sixty days from the time of the voluntary quit” in cl. (iii), and inserted provision that an employee of the Federal Government, or of a State or political subdivision of a State, who engaged in a strike against the Federal Government, a State or political subdivision of a State and is dismissed from his job because of his participation in the strike shall be considered to have voluntarily quit such job without good cause.

Subsec. (d)(2)(C). Pub. L. 97-253, §§ 159, 190(a), redesignated subpar. (D) as (C), and struck out former subpar. (C) which provided that a person who would otherwise be required to comply with the requirements of par. (1) was exempt if he or she was a parent or other caretaker of a child in a household where there was another able-bodied parent subject to the requirements of this subsection.

Subsec. (d)(2)(D) to (F). Pub. L. 97-253, § 190(a), redesignated subpars. (D) to (F) as (C) to (E), respectively. Former subpar. (D) redesignated (C).

Subsec. (d)(3), (4). Pub. L. 97-253, §§ 160, 190(b), redesignated par. (4) as (3), and struck out former par. (3)

which provided that to the extent that a State employment service was assigned responsibility for administering the provisions of this subsection, it had to comply with regulations issued jointly by the Secretary and the Secretary of Labor, which regulations had to be patterned to the maximum extent practicable on the work incentive program requirements set forth in title IV of the Social Security Act and had to take into account the diversity of the needs of the food stamp work registration population.

Subsec. (e)(3)(B). Pub. L. 97-253, §161, substituted “; (B) is not a parent with responsibility for the care of a dependent child under age six;” for “or (B) is not the head of a household (or spouse of such head) containing one or more other persons who are dependents of that individual because he or she supplies more than half of their support, or”.

Subsec. (e)(3)(C) to (E). Pub. L. 97-253, §161, added subpars. (C) and (D) and redesignated former subpar. (C) as (E).

Subsec. (g)(2). Pub. L. 97-253, §189(b)(1), substituted reference to the Secretary of Health and Human Services for former reference to the Secretary of Health, Education, and Welfare.

1981—Subsec. (b). Pub. L. 97-35, §112, substituted provisions setting forth disqualification penalties for fraud and misrepresentation, ineligibility period for benefits, and applicable procedures, for provisions relating to prior fraudulent use of coupons or authorization cards, ineligibility period for benefits, and repayment for fraudulent conduct.

Subsec. (c). Pub. L. 97-35, §108(b), in par. (1) inserted provisions enumerating categories of households subject to requirements, and substituted “(f)” for “(f)(2)”, and added par. (4).

Subsec. (c)(1). Pub. L. 97-35, §108(c), struck out provisions respecting election of retrospective accounting system, and filing of periodic reports by household categories.

Subsec. (d)(1). Pub. L. 97-98, §§1310, 1311(1), (2), substituted in cl. (i) “twelve” for “six”, struck out in cl. (iii) “, unless the household was certified for benefits under this chapter immediately prior to such unemployment” after “without good cause”, and inserted in cl. (iv) “(including the lack of adequate child care for children above the age of five and under the age of twelve)” after “good cause”.

Subsec. (d)(2). Pub. L. 97-98, §1311(3), (4), inserted in cl. (A) “, in which case, failure by such person to comply with any work requirement to which such person is subject that is comparable to a requirement of paragraph (1) shall be the same as failure to comply with that requirement of paragraph (1)” after “compensation system” and substituted in cl. (B) “six” for “twelve”.

Subsec. (d)(4). Pub. L. 97-35, §109(a), inserted provisions relating to an increase in allotments as a result of a decrease in income of striking members of a household, and struck out proviso relating to income qualifications, etc., of subsec. (i).

Subsec. (i). Pub. L. 97-35, §109(c), struck out subsec. (i) which related to eligibility of a household containing a person involved in a labor-management dispute.

1980—Subsec. (b). Pub. L. 96-249, §109, inserted provisions permitting each State to decide to proceed against alleged fraud in the program either by way of administrative fraud hearings or by way of reference to appropriate legal authorities for civil or criminal action, or both.

Subsec. (c). Pub. L. 96-249, §110, inserted provisions compelling States electing to use a retrospective accounting system to require that certain categories of households file periodic reports of household circumstances following standards prescribed by the Secretary.

Subsec. (d)(2)(D). Pub. L. 96-249, §140, substituted “enrolled in an institution of higher education shall be ineligible to participate in the food stamp program unless he or she meets the requirements of subsection (e) of this section)” for “shall be subject to the require-

ments of paragraph (1) of this subsection during any period of more than thirty days when such school or program is in vacation or recess and any such person enrolled in an institution of higher education shall be subject to the requirements of subsection (e)(3)(B) of this section as well”.

Subsec. (d)(4). Pub. L. 96-249, §114, added par. (4).

Subsec. (e). Pub. L. 96-249, §139, substituted requirement that he or she is physically and mentally fit and is between the ages of eighteen and sixty for requirement that he or she has reached his or her eighteenth birthday, inserted requirement that he or she is not so enrolled as a result of participation in the work incentive program under title IV of the Social Security Act, and struck out requirement that he or she is properly claimed or could properly be claimed as a dependent child for Federal income tax purposes.

Subsec. (f). Pub. L. 96-249, §115, inserted provisions requiring that the income (less a pro rata share) and financial resources of the individual rendered ineligible to participate in the food stamp program under this subsection be considered in determining the eligibility and the value of the allotment of the household of which such individual is a member.

1979—Subsec. (b). Pub. L. 96-58, §5, provided that, after any specified period of disqualification pursuant to findings under clauses (1) or (2) of this subsection, no disqualified individual would be eligible to participate in the food stamp program unless that individual agreed to a reduction in the allotment of the household of which that individual is a member or to repayment in cash, in accordance with a reasonable schedule as determined by the Secretary that would be sufficient over time to reimburse the Federal Government for the value of the coupons obtained through the fraudulent conduct, and that if any disqualified individual elected repayment in cash under the provisions of the preceding sentence and failed to make payments in accordance with the schedule determined by the Secretary, the household of which that individual was a member would be subject to appropriate allotment reductions.

Subsec. (i). Pub. L. 96-58, §9, added subsec. (i).

1977—Pub. L. 95-113 substituted revised provisions covering eligibility disqualifications for provisions relating to the issuance, usage, and design of coupons which are now covered by section 2016 of this title.

1976—Subsecs. (b) to (e). Pub. L. 94-339 added subsecs. (b) and (c) and redesignated former subsecs. (b) and (c) as (d) and (e), respectively.

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-171, title IV, §4121(e), May 13, 2002, 116 Stat. 324, provided that: “The amendments made by this section [amending this section and section 2025 of this title] take effect on the date of enactment of this Act [May 13, 2002].”

Amendment by sections 4109, 4115(b)(2) of 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 1998 AMENDMENT

Amendment by section 101(f) [title VIII, §405(d)(2)(B)] of Pub. L. 105-277 effective Oct. 21, 1998, and amendment by section 101(f) [title VIII, §405(f)(2)(B)] of Pub. L. 105-277 effective July 1, 2000, see section 101(f) [title VIII, §405(g)(1), (2)(B)] of Pub. L. 105-277, set out as a note under section 3502 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1997 AMENDMENT

Section 1005(b) of Pub. L. 105-33 provided that: “The amendments made by sections 1001 and 1002 [amending this section and section 2025 of this title] take effect on October 1, 1997, without regard to whether regulations have been promulgated to implement the amendments made by such sections.”

EFFECTIVE DATE OF 1996 AMENDMENTS

Amendment by Pub. L. 104-208 effective, with certain transitional provisions, on the first day of the first month beginning more than 180 days after Sept. 30, 1996, see section 309 of Pub. L. 104-208, set out as a note under section 1101 of Title 8, Aliens and Nationality.

Amendment by section 109(b) of Pub. L. 104-193 effective July 1, 1997, with transition rules relating to State options to accelerate such date, rules relating to claims, actions, and proceedings commenced before such date, rules relating to closing out of accounts for terminated or substantially modified programs and continuance in office of Assistant Secretary for Family Support, and provisions relating to termination of entitlement under AFDC program, see section 116 of Pub. L. 104-193, as amended, set out as an Effective Date note under section 601 of Title 42, The Public Health and Welfare.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-296 effective Mar. 31, 1995, see section 110(a) of Pub. L. 103-296, set out as a note under section 401 of Title 42, The Public Health and Welfare.

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 section 908 [probably should be 907] of Pub. L. 102-237 effective Sept. 30, 1991, and amendment by section 941(3) of Pub. L. 102-237 effective and to be implemented no later than Feb. 1, 1992, see section 1101(d)(1), (3) of Pub. L. 102-237, set out as a note under section 1421 of this title.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-624 effective and implemented first day of month beginning 120 days after publication of implementing regulations to be promulgated not later than Oct. 1, 1991, see section 1781(a) of Pub. L. 101-624, set out as a note under section 2012 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by sections 202(b), (c) and 404(a)(2)-(4), (b), (d) of Pub. L. 100-435 to be effective and implemented on Oct. 1, 1988, and amendment by section 404(a)(1), (c) of Pub. L. 100-435 to be effective and implemented on July 1, 1989, except that amendment by section 404 of Pub. L. 100-435 to become effective and implemented on Oct. 1, 1989, if final order is issued under section 902(b) of Title 2, The Congress, for fiscal year 1989 making reductions and sequestrations specified in the report required under section 901(a)(3)(A) of Title 2, see section 701(a), (b)(4), (c)(2) of Pub. L. 100-435, set out as a note under section 2012 of this title.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-253 effective Sept. 8, 1982, see section 193(a) of Pub. L. 97-253, set out as a note under section 2012 of this title.

EFFECTIVE DATE OF 1981 AMENDMENTS

Amendment by Pub. L. 97-35, except section 108(c) of Pub. L. 97-35 (which amended this section), effective on earlier of Sept. 8, 1982, or date such amendment became effective pursuant to section 117 of Pub. L. 97-35, set out as a note under section 2012 of this title, see section 192(a) of Pub. L. 97-253, set out as a note under section 2012 of this title.

Amendment by Pub. L. 97-98 effective on earlier of Sept. 8, 1982, or date such amendment became effective pursuant to section 1338 of Pub. L. 97-98, set out as a note under section 2012 of this title. See section 192(b) of Pub. L. 97-253, set out as a note under section 2012 of this title.

Amendment by Pub. L. 97-98 effective upon such date as Secretary of Agriculture may prescribe, taking into account need for orderly implementation, see section 1338 of Pub. L. 97-98, set out as a note under section 2012 of this title.

Amendments by Pub. L. 97-35, except for amendment made by section 108(c) of Pub. L. 97-35, effective and implemented upon such dates as Secretary of Agriculture may prescribe, taking into account need for orderly implementation, see section 117 of Pub. L. 97-35, set out as a note under section 2012 of this title.

Section 108(c) of Pub. L. 97-35 provided that the amendment made by that section is effective Oct. 1, 1983.

EFFECTIVE DATE OF 1979 AMENDMENT

Secretary of Agriculture to issue final regulations implementing the amendment of subsec. (b) of this section by Pub. L. 96-58 within 150 days after Aug. 14, 1979, see section 10(b) of Pub. L. 96-58, set out as a note under section 2012 of this title.

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.

REGULATIONS

Section 1005(a) of title I of Pub. L. 105-33 provided that: "Not later than 1 year after the date of enactment of this Act [Aug. 5, 1997], the Secretary of Agriculture shall promulgate such regulations as are necessary to implement the amendments made by this title [amending this section and sections 2020 and 2025 of this title]."

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of Title 8, Aliens and Nationality.

TRANSITION PROVISION FOR WORK REQUIREMENT

Section 824(b) of Pub. L. 104-193 provided that: "The term 'preceding 36-month period' in section 6(o) of the Food Stamp Act of 1977 [7 U.S.C. 2015(o)], as added by subsection (a), does not include, with respect to a State, any period before the earlier of—

- "(1) the date the State notifies recipients of food stamp benefits of the application of section 6(o); or
- "(2) the date that is 3 months after the date of enactment of this Act [Aug. 22, 1996]."

EXEMPTION FROM MONTHLY REPORTING SYSTEMS FOR HOUSEHOLDS RESIDING ON INDIAN RESERVATIONS

Section 908(a)(2) of Pub. L. 102-237, as amended by Pub. L. 103-11, §1, Apr. 1, 1993, 107 Stat. 41; Pub. L. 103-205, §1, Dec. 17, 1993, 107 Stat. 2418, provided that no State agency be required to exempt households residing on Indian reservations from food stamp program monthly reporting systems until Mar. 15, 1994, and directed Secretary of Agriculture to issue final regulations requiring exemption of households residing on Indian reservations from food stamp program monthly reporting systems no later than Dec. 1, 1992, prior to repeal by Pub. L. 103-225, title I, §104(a), Mar. 25, 1994, 108 Stat. 107.

MANDATORY MONTHLY REPORTING-RETROSPECTIVE BUDGETING FOR FOOD STAMP PROGRAM; PROHIBITION

Pub. L. 98-107, §101(b), Oct. 1, 1983, 97 Stat. 735, provided in part: "That notwithstanding any other provision of this joint resolution, no part of any of the funds appropriated or otherwise made available by this or any other Act may be used to implement mandatory monthly reporting-retrospective budgeting for the food stamp program during the first three months of the fiscal year ending September 30, 1984".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2014, 2016, 2020, 2022, 2024, 2025, 2026, 2029, 2030, 2031 of this title; title 20 section 9271; title 26 section 51; title 29 sections 2822, 2841; title 42 section 654.

§ 2016. Issuance and use of coupons**(a) Printing**

Coupons shall be printed under such arrangements and in such denominations as may be determined by the Secretary to be necessary, and (except as provided in subsection (j) of this section) shall be issued only to households which have been duly certified as eligible to participate in the food stamp program.

(b) Approved food stores; receipt of cash in change for coupons used to purchase food

Coupons issued to eligible households shall be used by them only to purchase food in retail food stores which have been approved for participation in the food stamp program at prices prevailing in such stores: *Provided*, That nothing in this chapter shall be construed as authorizing the Secretary to specify the prices at which food may be sold by wholesale food concerns or retail food stores: *Provided further*, That eligible households using coupons to purchase food may receive cash in change therefor so long as the cash received does not equal or exceed the value of the lowest coupon denomination issued.

(c) Design of coupons

Coupons issued to eligible households shall be simple in design and shall include only such words or illustrations as are required to explain their purpose and define their denomination. The name of any public official shall not appear on such coupons.

(d) Coupon level inventories; monitorship; monthly operations report

The Secretary shall develop an appropriate procedure for determining and monitoring the level of coupon inventories in the hands of coupon issuers for the purpose of providing that such inventories are at proper levels (taking into consideration the historical and projected volume of coupon distribution by such issuers). Such procedures shall provide that coupon inventories in the hands of such issuers are not in excess of the reasonable needs of such issuers taking into consideration the ease with which such coupon inventories may be resupplied. The Secretary shall require each coupon issuer at intervals prescribed by the Secretary, but not less often than monthly, to send to the Secretary or the Secretary's designee, which may include the State agency, a written report of the issuer's operations during such period. In addition to other information deemed by the Secretary to be appropriate, the Secretary shall require that the report contain an oath, or affirmation, signed by the coupon issuer, or in the case of a corporation or other entity not a natural person, by an appropriate official of the coupon issuer, certifying that the information contained in the report is true and correct to the best of such person's knowledge and belief.

(e) Delivery and control procedures

The Secretary shall prescribe appropriate procedures for the delivery of coupons to coupon is-

suers and for the subsequent controls to be placed over such coupons by coupon issuers in order to ensure adequate accountability.

(f) State issuance liability

Notwithstanding any other provision of this chapter, the State agency shall be strictly liable to the Secretary for any financial losses involved in the acceptance, storage and issuance of coupons, including any losses involving failure of a coupon issuer to comply with the requirements specified in section 2020(e)(20)¹ of this title, except that in the case of losses resulting from the issuance and replacement of authorizations for coupons and allotments which are sent through the mail, the State agency shall be liable to the Secretary to the extent prescribed in the regulations promulgated by the Secretary.

(g) Alternative system or documents; costs

(1) If the Secretary determines, in consultation with the Inspector General of the Department of Agriculture, that it would improve the integrity of the food stamp program, the Secretary shall require a State agency—

(A) to issue or deliver coupons using alternative methods, including an automatic data processing and information retrieval system; or

(B) to issue, in lieu of coupons, reusable documents to be used as part of an automatic data processing and information retrieval system and to be presented by, and returned to, recipients at retail food stores for the purpose of purchasing food.

(2) The cost of documents or systems that may be required pursuant to this subsection may not be imposed upon a retail food store participating in the food stamp program.

(h) Staggered issuance procedures

(1) The State agency may establish a procedure for staggering the issuance of coupons to eligible households throughout the month. Upon the request of the tribal organization that exercises governmental jurisdiction over the reservation, the State agency shall stagger the issuance of benefits for eligible households located on reservations for at least 15 days of a month.

(2) Any procedure established under paragraph (1) shall not reduce the allotment of any household and shall ensure that no household experiences an interval between issuances of more than 40 days. The procedure may include issuing a household's benefits in more than one issuance.

(i) Electronic benefit transfers

(1) IN GENERAL.—

(A) IMPLEMENTATION.—Not later than October 1, 2002, each State agency shall implement an electronic benefit transfer system under which household benefits determined under section 2017(a) or 2035 of this title are issued from and stored in a central databank, unless the Secretary provides a waiver for a State agency that faces unusual barriers to implementing an electronic benefit transfer system.

¹ See References in Text note below.