

lotment by eligible households” for “an appropriate State agency” and “their normal expenditures for food”, respectively, and struck out “more nearly” before “to obtain”.

Subsec. (b). Pub. L. 91-671 substituted “operation” for “effect”, “federally donated foods” for “federally owned foods” where first appearing, and exception provision for distributions to households: during temporary emergency situations, for period of time necessary to effect transition to a food stamp program as a replacement of distribution of federally donated foods, or on request of the State agency without simultaneous participation in both the food stamp program and distribution of federally donated foods for prior exception during emergency situations caused by a national or other disaster.

EFFECTIVE DATE OF 2008 AMENDMENT

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

Amendment by sections 4001(b), 4002(a)(1), 4111(a), 4115(b)(2), and 4211(a) of Pub. L. 110-246 effective Oct. 1, 2008, see section 4407 of Pub. L. 110-246, set out as a note under section 1161 of Title 2, The Congress.

EFFECTIVE DATE OF 1985 AMENDMENT

Section 1505(b) of Pub. L. 99-198 provided that:

“(1) Except as provided in paragraph (2), the amendment made by subsection (a) [amending this section] shall take effect with respect to a State beginning on the first day of the fiscal year that commences in the calendar year during which the first regular session of the legislature of such State is convened following the date of enactment of this Act [Dec. 23, 1985].

“(2) Upon a showing by a State, to the satisfaction of the Secretary, that the application of paragraph (1), without regard to this paragraph, would have an adverse and disruptive effect on the administration of the food stamp program in such State or would provide inadequate time for retail stores to implement changes in sales tax policy required as a result of the amendment made by subsection (a) [amending this section], the Secretary may delay the effective date of subsection (a) with respect to such State to a date not later than October 1, 1987.”

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.

§ 2014. Eligible households

(a) Income and other financial resources as substantial limiting factors in obtaining more nutritious diet; recipients under Social Security Act

Participation in the supplemental nutrition assistance program shall be limited to those households whose incomes and other financial resources, held singly or in joint ownership, are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. Notwithstanding any other provisions of this chapter except sections 2015(b), 2015(d)(2), and 2015(g) of this title and section 2012(n)(4) of this title, households in which each member receives benefits under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), supplemental security income benefits under title XVI of the Social Security Act [42 U.S.C. 1381 et seq.], or aid to the aged, blind, or disabled under title I, X, XIV, or

XVI of the Social Security Act [42 U.S.C. 301 et seq., 1201 et seq., 1351 et seq., or 1381 et seq.], shall be eligible to participate in the supplemental nutrition assistance program. Except for sections 2015, 2025(e)(1), and section 2012(n)(4) of this title, households in which each member receives benefits under a State or local general assistance program that complies with standards established by the Secretary for ensuring that the program is based on income criteria comparable to or more restrictive than those under subsection (c)(2) of this section, and not limited to one-time emergency payments that cannot be provided for more than one consecutive month, shall be eligible to participate in the supplemental nutrition assistance program. Assistance under this program shall be furnished to all eligible households who make application for such participation.

(b) Eligibility standards

Except as otherwise provided in this chapter, the Secretary shall establish uniform national standards of eligibility (other than the income standards for Alaska, Hawaii, Guam, and the Virgin Islands of the United States established in accordance with subsections (c) and (e) of this section) for participation by households in the supplemental nutrition assistance program in accordance with the provisions of this section. No plan of operation submitted by a State agency shall be approved unless the standards of eligibility meet those established by the Secretary, and no State agency shall impose any other standards of eligibility as a condition for participating in the program.

(c) Gross income standard

The income standards of eligibility shall be adjusted each October 1 and shall provide that a household shall be ineligible to participate in the supplemental nutrition assistance program if—

(1) the household’s income (after the exclusions and deductions provided for in subsections (d) and (e) of this section) exceeds the poverty line, as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), for the forty-eight contiguous States and the District of Columbia, Alaska, Hawaii, the Virgin Islands of the United States, and Guam, respectively; and

(2) in the case of a household that does not include an elderly or disabled member, the household’s income (after the exclusions provided for in subsection (d) of this section but before the deductions provided for in subsection (e) of this section) exceeds such poverty line by more than 30 per centum.

In no event shall the standards of eligibility for the Virgin Islands of the United States or Guam exceed those in the forty-eight contiguous States.

(d) Exclusions from income

Household income for purposes of the supplemental nutrition assistance program shall include all income from whatever source excluding only—

(1) any gain or benefit which is not in the form of money payable directly to a household (notwithstanding its conversion in whole or in

part to direct payments to households pursuant to any demonstration project carried out or authorized under Federal law including demonstration projects created by the waiver of provisions of Federal law);

(2) any income in the certification period which is received too infrequently or irregularly to be reasonably anticipated, but not in excess of \$30 in a quarter, subject to modification by the Secretary in light of subsection (f) of this section;

(3) all educational loans on which payment is deferred, grants, scholarships, fellowships, veterans' educational benefits, and the like—

(A) awarded to a household member enrolled at a recognized institution of post-secondary education, at a school for the handicapped, in a vocational education program, or in a program that provides for completion of a secondary school diploma or obtaining the equivalent thereof;

(B) to the extent that they do not exceed the amount used for or made available as an allowance determined by such school, institution, program, or other grantor, for tuition and mandatory fees (including the rental or purchase of any equipment, materials, and supplies related to the pursuit of the course of study involved), books, supplies, transportation, and other miscellaneous personal expenses (other than living expenses), of the student incidental to attending such school, institution, or program; and

(C) to the extent loans include any origination fees and insurance premiums;

(4) all loans other than educational loans on which repayment is deferred;

(5) reimbursements which do not exceed expenses actually incurred and which do not represent a gain or benefit to the household and any allowance a State agency provides no more frequently than annually to families with children on the occasion of those children's entering or returning to school or child care for the purpose of obtaining school clothes (except that no such allowance shall be excluded if the State agency reduces monthly assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) in the month for which the allowance is provided): *Provided*, That no portion of benefits provided under title IV-A of the Social Security Act [42 U.S.C. 601 et seq.], to the extent it is attributable to an adjustment for work-related or child care expenses (except for payments or reimbursements for such expenses made under an employment, education, or training program initiated under such title after September 19, 1988), and no portion of any educational loan on which payment is deferred, grant, scholarship, fellowship, veterans' benefits, and the like that are provided for living expenses, shall be considered such reimbursement;

(6) moneys received and used for the care and maintenance of a third-party beneficiary who is not a household member, and child support payments made by a household member to or for an individual who is not a member of the household if the household member is legally obligated to make the payments;

(7) income earned by a child who is a member of the household, who is an elementary or secondary school student, and who is 17 years of age or younger;

(8) moneys received in the form of non-recurring lump-sum payments, including, but not limited to, income tax refunds, rebates, or credits, cash donations based on need that are received from one or more private nonprofit charitable organizations, but not in excess of \$300 in the aggregate in a quarter, retroactive lump-sum social security or railroad retirement pension payments and retroactive lump-sum insurance settlements: *Provided*, That such payments shall be counted as resources, unless specifically excluded by other laws;

(9) the cost of producing self-employed income, but household income that otherwise is included under this subsection shall be reduced by the extent that the cost of producing self-employment income exceeds the income derived from self-employment as a farmer;

(10) any income that any other Federal law specifically excludes from consideration as income for purposes of determining eligibility for the supplemental nutrition assistance program except as otherwise provided in subsection (k) of this section;

(11)(A) any payments or allowances made for the purpose of providing energy assistance under any Federal law (other than part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)); or

(B) a 1-time payment or allowance made under a Federal or State law for the costs of weatherization or emergency repair or replacement of an unsafe or inoperative furnace or other heating or cooling device;

(12) through September 30 of any fiscal year, any increase in income attributable to a cost-of-living adjustment made on or after July 1 of such fiscal year under title II or XVI of the Social Security Act [42 U.S.C. 401 et seq., 1381 et seq.], section 3(a)(1) of the Railroad Retirement Act of 1974 (45 U.S.C. 231b(a)(1)), or section 5312 of title 38, if the household was certified as eligible to participate in the supplemental nutrition assistance program or received an allotment in the month immediately preceding the first month in which the adjustment was effective;

(13) any payment made to the household under section 3507 of title 26 (relating to advance payment of earned income credit);

(14) any payment made to the household under section 2015(d)(4)(I) of this title for work related expenses or for dependent care;

(15) any amounts necessary for the fulfillment of a plan for achieving self-support of a household member as provided under subparagraph (A)(iii) or (B)(iv) of section 1612(b)(4) of the Social Security Act (42 U.S.C. 1382a(b)(4));

(16) at the option of the State agency, any educational loans on which payment is deferred, grants, scholarships, fellowships, veterans' educational benefits, and the like (other than loans, grants, scholarships, fellowships, veterans' educational benefits, and the like excluded under paragraph (3)), to the extent that they are required to be excluded under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(17) at the option of the State agency, any State complementary assistance program payments that are excluded for the purpose of determining eligibility for medical assistance under section 1931 of the Social Security Act (42 U.S.C. 1396u-1);

(18) at the option of the State agency, any types of income that the State agency does not consider when determining eligibility for (A) cash assistance under a program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) or the amount of such assistance, or (B) medical assistance under section 1931 of the Social Security Act (42 U.S.C. 1396u-1), except that this paragraph does not authorize a State agency to exclude wages or salaries, benefits under title I, II, IV, X, XIV, or XVI of the Social Security Act (42 U.S.C. 301 et seq., 401 et seq., 601 et seq., 1201 et seq., 1351 et seq., 1381 et seq.), regular payments from a government source (such as unemployment benefits and general assistance), worker's compensation, child support payments made to a household member by an individual who is legally obligated to make the payments, or such other types of income the consideration of which the Secretary determines by regulation to be essential to equitable determinations of eligibility and benefit levels; and

(19) any additional payment under chapter 5 of title 37, or otherwise designated by the Secretary to be appropriate for exclusion under this paragraph, that is received by or from a member of the United States Armed Forces deployed to a designated combat zone, if the additional pay—

(A) is the result of deployment to or service in a combat zone; and

(B) was not received immediately prior to serving in a combat zone.

(e) Deductions from income

(1) Standard deduction

(A) In general

(i) Deduction

The Secretary shall allow a standard deduction for each household in the 48 contiguous States and the District of Columbia, Alaska, Hawaii, and the Virgin Islands of the United States in an amount that is—

(I) equal to 8.31 percent of the income standard of eligibility established under subsection (c)(1) of this section; but

(II) not more than 8.31 percent of the income standard of eligibility established under subsection (c)(1) of this section for a household of 6 members.

(ii) Minimum amount

Notwithstanding clause (i), the standard deduction for each household in the 48 contiguous States and the District of Columbia, Alaska, Hawaii, and the Virgin Islands of the United States shall be not less than—

(I) for fiscal year 2009, \$144, \$246, \$203, and \$127, respectively; and

(II) for fiscal year 2010 and each fiscal year thereafter, an amount that is equal

to the amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food.

(B) Guam

(i) In general

The Secretary shall allow a standard deduction for each household in Guam in an amount that is—

(I) equal to 8.31 percent of twice the income standard of eligibility established under subsection (c)(1) of this section for the 48 contiguous States and the District of Columbia; but

(II) not more than 8.31 percent of twice the income standard of eligibility established under subsection (c)(1) of this section for the 48 contiguous States and the District of Columbia for a household of 6 members.

(ii) Minimum amount

Notwithstanding clause (i), the standard deduction for each household in Guam shall be not less than—

(I) for fiscal year 2009, \$289; and

(II) for fiscal year 2010 and each fiscal year thereafter, an amount that is equal to the amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food.

(C) Requirement

Each adjustment under subparagraphs (A)(ii)(II) and (B)(ii)(II) shall be based on the unrounded amount for the prior 12-month period.

(2) Earned income deduction

(A) "Earned income" defined

In this paragraph, the term "earned income" does not include—

(i) income excluded by subsection (d) of this section; or

(ii) any portion of income earned under a work supplementation or support program, as defined under section 2025(b) of this title, that is attributable to public assistance.

(B) Deduction

Except as provided in subparagraph (C), a household with earned income shall be allowed a deduction of 20 percent of all earned income to compensate for taxes, other mandatory deductions from salary, and work expenses.

(C) Exception

The deduction described in subparagraph (B) shall not be allowed with respect to determining an overissuance due to the failure

of a household to report earned income in a timely manner.

(3) Dependent care deduction

(A) In general

A household shall be entitled, with respect to expenses (other than excluded expenses described in subparagraph (B)) for dependent care, to a dependent care deduction for the actual cost of payments necessary for the care of a dependent if the care enables a household member to accept or continue employment, or training or education that is preparatory for employment.

(B) Excluded expenses

The excluded expenses referred to in subparagraph (A) are—

- (i) expenses paid on behalf of the household by a third party;
- (ii) amounts made available and excluded, for the expenses referred to in subparagraph (A), under subsection (d)(3) of this section; and
- (iii) expenses that are paid under section 2015(d)(4) of this title.

(4) Deduction for child support payments

(A) In general

In lieu of providing an exclusion for legally obligated child support payments made by a household member under subsection (d)(6) of this section, a State agency may elect to provide a deduction for the amount of the payments.

(B) Order of determining deductions

A deduction under this paragraph shall be determined before the computation of the excess shelter expense deduction under paragraph (6).

(5) Excess medical expense deduction

(A) In general

A household containing an elderly or disabled member shall be entitled, with respect to expenses other than expenses paid on behalf of the household by a third party, to an excess medical expense deduction for the portion of the actual costs of allowable medical expenses, incurred by the elderly or disabled member, exclusive of special diets, that exceeds \$35 per month.

(B) Method of claiming deduction

(i) In general

A State agency shall offer an eligible household under subparagraph (A) a method of claiming a deduction for recurring medical expenses that are initially verified under the excess medical expense deduction in lieu of submitting information on, or verification of, actual expenses on a monthly basis.

(ii) Method

The method described in clause (i) shall—

- (I) be designed to minimize the burden for the eligible elderly or disabled household member choosing to deduct the recurrent medical expenses of the member pursuant to the method;

- (II) rely on reasonable estimates of the expected medical expenses of the member for the certification period (including changes that can be reasonably anticipated based on available information about the medical condition of the member, public or private medical insurance coverage, and the current verified medical expenses incurred by the member); and

- (III) not require further reporting or verification of a change in medical expenses if such a change has been anticipated for the certification period.

(6) Excess shelter expense deduction

(A) In general

A household shall be entitled, with respect to expenses other than expenses paid on behalf of the household by a third party, to an excess shelter expense deduction to the extent that the monthly amount expended by a household for shelter exceeds an amount equal to 50 percent of monthly household income after all other applicable deductions have been allowed.

(B) Maximum amount of deduction

In the case of a household that does not contain an elderly or disabled individual, in the 48 contiguous States and the District of Columbia, Alaska, Hawaii, Guam, and the Virgin Islands of the United States, the excess shelter expense deduction shall not exceed—

- (i) for the period beginning on August 22, 1996, and ending on December 31, 1996, \$247, \$429, \$353, \$300, and \$182 per month, respectively;
- (ii) for the period beginning on January 1, 1997, and ending on September 30, 1998, \$250, \$434, \$357, \$304, and \$184 per month, respectively;
- (iii) for fiscal year 1999, \$275, \$478, \$393, \$334, and \$203 per month, respectively;
- (iv) for fiscal year 2000, \$280, \$483, \$398, \$339, and \$208 per month, respectively;
- (v) for fiscal year 2001, \$340, \$543, \$458, \$399, and \$268 per month, respectively; and
- (vi) for fiscal year 2002 and each subsequent fiscal year, the applicable amount during the preceding fiscal year, as adjusted to reflect changes for the 12-month period ending the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

(C) Standard utility allowance

(i) In general

In computing the excess shelter expense deduction, a State agency may use a standard utility allowance in accordance with regulations promulgated by the Secretary, except that a State agency may use an allowance that does not fluctuate within a year to reflect seasonal variations.

(ii) Restrictions on heating and cooling expenses

An allowance for a heating or cooling expense may not be used in the case of a household that—

(I) does not incur a heating or cooling expense, as the case may be;

(II) does incur a heating or cooling expense but is located in a public housing unit that has central utility meters and charges households, with regard to the expense, only for excess utility costs; or

(III) shares the expense with, and lives with, another individual not participating in the supplemental nutrition assistance program, another household participating in the supplemental nutrition assistance program, or both, unless the allowance is prorated between the household and the other individual, household, or both.

(iii) Mandatory allowance**(I) In general**

A State agency may make the use of a standard utility allowance mandatory for all households with qualifying utility costs if—

(aa) the State agency has developed 1 or more standards that include the cost of heating and cooling and 1 or more standards that do not include the cost of heating and cooling; and

(bb) the Secretary finds (without regard to subclause (III)) that the standards will not result in an increased cost to the Secretary.

(II) Household election

A State agency that has not made the use of a standard utility allowance mandatory under subclause (I) shall allow a household to switch, at the end of a certification period, between the standard utility allowance and a deduction based on the actual utility costs of the household.

(III) Inapplicability of certain restrictions

Clauses (ii)(II) and (ii)(III) shall not apply in the case of a State agency that has made the use of a standard utility allowance mandatory under subclause (I).

(iv) Availability of allowance to recipients of energy assistance**(I) In general**

Subject to subclause (II), if a State agency elects to use a standard utility allowance that reflects heating or cooling costs, the standard utility allowance shall be made available to households receiving a payment, or on behalf of which a payment is made, under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.) or other similar energy assistance program, if the household still incurs out-of-pocket heating or cooling expenses in excess of any assistance paid on behalf of the household to an energy provider.

(II) Separate allowance

A State agency may use a separate standard utility allowance for households on behalf of which a payment described in subclause (I) is made, but may not be required to do so.

(III) States not electing to use separate allowance

A State agency that does not elect to use a separate allowance but makes a single standard utility allowance available to households incurring heating or cooling expenses (other than a household described in subclause (I) or (II) of clause (ii)) may not be required to reduce the allowance due to the provision (directly or indirectly) of assistance under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.).

(IV) Proration of assistance

For the purpose of the supplemental nutrition assistance program, assistance provided under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.) shall be considered to be prorated over the entire heating or cooling season for which the assistance was provided.

(D) Homeless households**(i) Alternative deduction**

In lieu of the deduction provided under subparagraph (A), a State agency may elect to allow a household in which all members are homeless individuals, but that is not receiving free shelter throughout the month, to receive a deduction of \$143 per month.

(ii) Ineligibility

The State agency may make a household with extremely low shelter costs ineligible for the alternative deduction under clause (i).

(f) Calculation of household income; prospective or retrospective accounting basis; consistency

(1)(A) Household income for those households that, by contract for other than an hourly or piecework basis or by self-employment, derive their annual income in a period of time shorter than one year shall be calculated by averaging such income over a twelve-month period. Notwithstanding the preceding sentence, household income resulting from the self-employment of a member in a farming operation, who derives income from such farming operation and who has irregular expenses to produce such income, may, at the option of the household, be calculated by averaging such income and expenses over a 12-month period. Notwithstanding the first sentence, if the averaged amount does not accurately reflect the household's actual monthly circumstances because the household has experienced a substantial increase or decrease in business earnings, the State agency shall calculate the self-employment income based on anticipated earnings.

(B) Household income for those households that receive nonexcluded income of the type de-

scribed in subsection (d)(3) of this section shall be calculated by averaging such income over the period for which it is received.

(C) SIMPLIFIED DETERMINATION OF DEDUCTIONS.—

(i) IN GENERAL.—Except as provided in clause (ii), for the purposes of subsection (e) of this section, a State agency may elect to disregard until the next recertification of eligibility under section 2020(e)(4) of this title 1 or more types of changes in the circumstances of a household that affect the amount of deductions the household may claim under subsection (e) of this section.

(ii) CHANGES THAT MAY NOT BE DISREGARDED.—Under clause (i), a State agency may not disregard—

(I) any reported change of residence; or

(II) under standards prescribed by the Secretary, any change in earned income.

(2)(A) Except as provided in subparagraphs (B), (C), and (D), households shall have their incomes calculated on a prospective basis, as provided in paragraph (3)(A), or, at the option of the State agency, on a retrospective basis, as provided in paragraph (3)(B).

(B) In the case of the first month, or at the option of the State, the first and second months, during a continuous period in which a household is certified, the State agency shall determine eligibility and the amount of benefits on the basis of the household's income and other relevant circumstances in such first or second month.

(C) Households specified in clauses (i), (ii), and (iii) of section 2015(c)(1)(A) of this title shall have their income calculated on a prospective basis, as provided in paragraph (3)(A).

(D) Except as provided in subparagraph (B), households required to submit monthly reports of their income and household circumstances under section 2015(c)(1) of this title shall have their income calculated on a retrospective basis, as provided in paragraph (3)(B).

(3)(A) Calculation of household income on a prospective basis is the calculation of income on the basis of the income reasonably anticipated to be received by the household during the period for which eligibility or benefits are being determined. Such calculation shall be made in accordance with regulations prescribed by the Secretary which shall provide for taking into account both the income reasonably anticipated to be received by the household during the period for which eligibility or benefits are being determined and the income received by the household during the preceding thirty days.

(B) Calculation of household income on a retrospective basis is the calculation of income for the period for which eligibility or benefits are being determined on the basis of income received in a previous period. Such calculation shall be made in accordance with regulations prescribed by the Secretary which may provide for the determination of eligibility on a prospective basis in some or all cases in which benefits are calculated under this paragraph. Such regulations shall provide for supplementing the initial allotments of newly applying households in those cases in which the determination of income under this paragraph causes serious hardship.

(4) In promulgating regulations under this subsection, the Secretary shall consult with the Secretary of Health and Human Services in order to assure that, to the extent feasible and consistent with the purposes of this chapter and the Social Security Act [42 U.S.C. 301 et seq.], the income of households receiving benefits under this chapter and title IV-A of the Social Security Act [42 U.S.C. 601 et seq.] is calculated on a comparable basis under this chapter and the Social Security Act. The Secretary is authorized, upon the request of a State agency, to waive any of the provisions of this subsection (except the provisions of paragraph (2)(A)) to the extent necessary to permit the State agency to calculate income for purposes of this chapter on the same basis that income is calculated under title IV-A of the Social Security Act in that State.

(g) Allowable financial resources

(1) Total amount

(A) In general

The Secretary shall prescribe the types and allowable amounts of financial resources (liquid and nonliquid assets) an eligible household may own, and shall, in so doing, assure that a household otherwise eligible to participate in the supplemental nutrition assistance program will not be eligible to participate if its resources exceed \$2,000 (as adjusted in accordance with subparagraph (B)), or, in the case of a household which consists of or includes an elderly or disabled member, if its resources exceed \$3,000 (as adjusted in accordance with subparagraph (B)).

(B) Adjustment for inflation

(i) In general

Beginning on October 1, 2008, and each October 1 thereafter, the amounts specified in subparagraph (A) shall be adjusted and rounded down to the nearest \$250 increment to reflect changes for the 12-month period ending the preceding June in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

(ii) Requirement

Each adjustment under clause (i) shall be based on the unrounded amount for the prior 12-month period.

(2) INCLUDED ASSETS.—

(A) IN GENERAL.—Subject to the other provisions of this paragraph, the Secretary shall, in prescribing inclusions in, and exclusions from, financial resources, follow the regulations in force as of June 1, 1982 (other than those relating to licensed vehicles and inaccessible resources).

(B) ADDITIONAL INCLUDED ASSETS.—The Secretary shall include in financial resources—

(i) any boat, snowmobile, or airplane used for recreational purposes;

(ii) any vacation home;

(iii) any mobile home used primarily for vacation purposes;

(iv) subject to subparagraphs (C) and (D), any licensed vehicle that is used for house-

hold transportation or to obtain or continue employment to the extent that the fair market value of the vehicle exceeds \$4,650; and

(v) any savings account, regardless of whether there is a penalty for early withdrawal.

(C) EXCLUDED VEHICLES.—A vehicle (and any other property, real or personal, to the extent the property is directly related to the maintenance or use of the vehicle) shall not be included in financial resources under this paragraph if the vehicle is—

- (i) used to produce earned income;
- (ii) necessary for the transportation of a physically disabled household member; or
- (iii) depended on by a household to carry fuel for heating or water for home use and provides the primary source of fuel or water, respectively, for the household.

(D) ALTERNATIVE VEHICLE ALLOWANCE.—If the vehicle allowance standards that a State agency uses to determine eligibility for assistance under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) would result in a lower attribution of resources to certain households than under subparagraph (B)(iv), in lieu of applying subparagraph (B)(iv), the State agency may elect to apply the State vehicle allowance standards to all households that would incur a lower attribution of resources under the State vehicle allowance standards.

(3) The Secretary shall exclude from financial resources the value of a burial plot for each member of a household and nonliquid resources necessary to allow the household to carry out a plan for self-sufficiency approved by the State agency that constitutes adequate participation in an employment and training program under section 2015(d) of this title. The Secretary shall also exclude from financial resources any earned income tax credits received by any member of the household for a period of 12 months from receipt if such member was participating in the supplemental nutrition assistance program at the time the credits were received and participated in such program continuously during the 12-month period.

(4) In the case of farm property (including land, equipment, and supplies) that is essential to the self-employment of a household member in a farming operation, the Secretary shall exclude from financial resources the value of such property until the expiration of the 1-year period beginning on the date such member ceases to be self-employed in farming.

(5) The Secretary shall promulgate rules by which State agencies shall develop standards for identifying kinds of resources that, as a practical matter, the household is unlikely to be able to sell for any significant return because the household's interest is relatively slight or because the cost of selling the household's interest would be relatively great. Resources so identified shall be excluded as inaccessible resources. A resource shall be so identified if its sale or other disposition is unlikely to produce any significant amount of funds for the support of the household. The Secretary shall not require the State agency to require verification of

the value of a resource to be excluded under this paragraph unless the State agency determines that the information provided by the household is questionable.

(6) EXCLUSION OF TYPES OF FINANCIAL RESOURCES NOT CONSIDERED UNDER CERTAIN OTHER FEDERAL PROGRAMS.—

(A) IN GENERAL.—Subject to subparagraph (B), a State agency may, at the option of the State agency, exclude from financial resources under this subsection any types of financial resources that the State agency does not consider when determining eligibility for—

- (i) cash assistance under a program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); or
- (ii) medical assistance under section 1931 of the Social Security Act (42 U.S.C. 1396u-1).

(B) LIMITATIONS.—Except to the extent that any of the types of resources specified in clauses (i) through (iv) are excluded under another paragraph of this subsection, subparagraph (A) does not authorize a State agency to exclude—

- (i) cash;
- (ii) licensed vehicles;
- (iii) amounts in any account in a financial institution that are readily available to the household; or
- (iv) any other similar type of resource the inclusion in financial resources of which the Secretary determines by regulation to be essential to equitable determinations of eligibility under the supplemental nutrition assistance program.

(7) EXCLUSION OF RETIREMENT ACCOUNTS FROM ALLOWABLE FINANCIAL RESOURCES.—

(A) MANDATORY EXCLUSIONS.—The Secretary shall exclude from financial resources under this subsection the value of—

- (i) any funds in a plan, contract, or account, described in sections 401(a), 403(a), 403(b), 408, 408A, 457(b), and 501(c)(18) of title 26 and the value of funds in a Federal Thrift Savings Plan account as provided in section 8439 of title 5; and
- (ii) any retirement program or account included in any successor or similar provision that may be enacted and determined to be exempt from tax under title 26.

(B) DISCRETIONARY EXCLUSIONS.—The Secretary may exclude from financial resources under this subsection the value of any other retirement plans, contracts, or accounts (as determined by the Secretary).

(8) EXCLUSION OF EDUCATION ACCOUNTS FROM ALLOWABLE FINANCIAL RESOURCES.—

(A) MANDATORY EXCLUSIONS.—The Secretary shall exclude from financial resources under this subsection the value of any funds in a qualified tuition program described in section 529 of title 26 or in a Coverdell education savings account under section 530 of that title.

(B) DISCRETIONARY EXCLUSIONS.—The Secretary may exclude from financial resources under this subsection the value of any other education programs, contracts, or accounts (as determined by the Secretary).

(h) Temporary emergency standards of eligibility; Disaster Task Force; direct assistance to State and local officials

(1) The Secretary shall, after consultation with the official empowered to exercise the authority provided for by sections 5170a and 5192 of title 42, establish temporary emergency standards of eligibility for the duration of the emergency for households who are victims of a disaster which disrupts commercial channels of food distribution, if such households are in need of temporary food assistance and if commercial channels of food distribution have again become available to meet the temporary food needs of such households. Such standards as are prescribed for individual emergencies may be promulgated without regard to section 2013(c) of this title or the procedures set forth in section 553 of title 5.

(2) The Secretary shall—

(A) establish a Disaster Task Force to assist States in implementing and operating the disaster program and the regular supplemental nutrition assistance program in the disaster area; and

(B) if the Secretary, in the Secretary's discretion, determines that it is cost-effective to send members of the Task Force to the disaster area, the Secretary shall send them to such area as soon as possible after the disaster occurs to provide direct assistance to State and local officials.

(3)(A) The Secretary shall provide, by regulation, for emergency allotments to eligible households to replace food destroyed in a disaster. The regulations shall provide for replacement of the value of food actually lost up to a limit approved by the Secretary not greater than the applicable maximum monthly allotment for the household size.

(B) The Secretary shall adjust issuance methods and reporting and other application requirements to be consistent with what is practicable under actual conditions in the affected area. In making this adjustment, the Secretary shall consider the availability of the State agency's offices and personnel, any conditions that make reliance on electronic benefit transfer systems described in section 2016(h) of this title impracticable, and any damage to or disruption of transportation and communication facilities.

(i) Attribution of income and resources to sponsored aliens; coverage, computations, etc.

(1) For purposes of determining eligibility for and the amount of benefits under this chapter for an individual who is an alien as described in section 2015(f)(2)(B) of this title, the income and resources of any person who as a sponsor of such individual's entry into the United States executed an affidavit of support or similar agreement with respect to such individual, and the income and resources of the sponsor's spouse if such spouse is living with the sponsor, shall be deemed to be the income and resources of such individual for a period of three years after the individual's entry into the United States. Any such income deemed to be income of such individual shall be treated as unearned income of such individual.

(2)(A) The amount of income of a sponsor, and the sponsor's spouse if living with the sponsor,

which shall be deemed to be the unearned income of an alien for any year shall be determined as follows:

(i) the total yearly rate of earned and unearned income of such sponsor, and such sponsor's spouse if such spouse is living with the sponsor, shall be determined for such year under rules prescribed by the Secretary;

(ii) the amount determined under clause (i) of this subparagraph shall be reduced by an amount equal to the income eligibility standard as determined under subsection (c) of this section for a household equal in size to the sponsor, the sponsor's spouse if living with the sponsor, and any persons dependent upon or receiving support from the sponsor or the sponsor's spouse if the spouse is living with the sponsor; and

(iii) the monthly income attributed to such alien shall be one-twelfth of the amount calculated under clause (ii) of this subparagraph.

(B) The amount of resources of a sponsor, and the sponsor's spouse if living with the sponsor, which shall be deemed to be the resources of an alien for any year shall be determined as follows:

(i) the total amount of the resources of such sponsor and such sponsor's spouse if such spouse is living with the sponsor shall be determined under rules prescribed by the Secretary;

(ii) the amount determined under clause (i) of this subparagraph shall be reduced by \$1,500; and

(iii) the resources determined under clause (ii) of this subparagraph shall be deemed to be resources of such alien in addition to any resources of such alien.

(C)(i) Any individual who is an alien shall, during the period of three years after entry into the United States, in order to be an eligible individual or eligible spouse for purposes of this chapter, be required to provide to the State agency such information and documentation with respect to the alien's sponsor and sponsor's spouse as may be necessary in order for the State agency to make any determination required under this section, and to obtain any cooperation from such sponsor necessary for any such determination. Such alien shall also be required to provide such information and documentation which such alien or the sponsor provided in support of such alien's immigration application as the State agency may request.

(ii) The Secretary shall enter into agreements with the Secretary of State and the Attorney General whereby any information available to such persons and required in order to make any determination under this section will be provided by such persons to the Secretary, and whereby such persons shall inform any sponsor of an alien, at the time such sponsor executes an affidavit of support or similar agreement, of the requirements imposed by this section.

(D) Any sponsor of an alien, and such alien, shall be jointly and severally liable for an amount equal to any overpayment made to such alien during the period of three years after such alien's entry into the United States, on account of such sponsor's failure to provide correct in-

formation under the provisions of this section, except where such sponsor was without fault, or where good cause for such failure existed. Any such overpayment which is not repaid shall be recovered in accordance with the provisions of section 2022(b)(2)¹ of this title.

(E) The provisions of this subsection shall not apply with respect to any alien who is a member of the sponsor's household or to any alien who is under 18 years of age.

(j) Resource exemption for otherwise exempt households

Notwithstanding subsections (a) through (i) of this section, a State agency shall consider a household member who receives supplemental security income benefits under title XVI of the Social Security Act [42 U.S.C. 1381 et seq.], aid to the aged, blind, or disabled under title I, II, X, XIV, or XVI of such Act [42 U.S.C. 301 et seq., 401 et seq., 1201 et seq., 1351 et seq., 1381 et seq.], or who receives benefits under a State program funded under part A of title IV of the Act (42 U.S.C. 601 et seq.) to have satisfied the resource limitations prescribed under subsection (g) of this section.

(k) Assistance to third parties included; educational benefits; exceptions

(1) For purposes of subsection (d)(1) of this section, except as provided in paragraph (2), assistance provided to a third party on behalf of a household by a State or local government shall be considered money payable directly to the household if the assistance is provided in lieu of—

(A) a regular benefit payable to the household for living expenses under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); or

(B) a benefit payable to the household for housing expenses under—

(i) a State or local general assistance program; or

(ii) another basic assistance program comparable to general assistance (as determined by the Secretary).

(2) Paragraph (1) shall not apply to—

(A) medical assistance;

(B) child care assistance;

(C) a payment or allowance described in subsection (d)(11) of this section;

(D) assistance provided by a State or local housing authority;

(E) emergency assistance for migrant or seasonal farmworker households during the period such households are in the job stream;

(F) emergency and special assistance, to the extent excluded in regulations prescribed by the Secretary; or

(G) assistance provided to a third party on behalf of a household under a State or local general assistance program, or another local basic assistance program comparable to general assistance (as determined by the Secretary), if, under State law, no assistance under the program may be provided directly to the household in the form of a cash payment.

(3) For purposes of subsection (d)(1) of this section, educational loans on which payment is de-

ferred, grants, scholarships, fellowships, veterans' educational benefits, and the like that are provided to a third party on behalf of a household for living expenses shall be treated as money payable directly to the household.

(4) THIRD PARTY ENERGY ASSISTANCE PAYMENTS.—

(A) ENERGY ASSISTANCE PAYMENTS.—For purposes of subsection (d)(1) of this section, a payment made under a State law (other than a law referred to in paragraph (2)(H))¹ to provide energy assistance to a household shall be considered money payable directly to the household.

(B) ENERGY ASSISTANCE EXPENSES.—For purposes of subsection (e)(6) of this section, an expense paid on behalf of a household under a State law to provide energy assistance shall be considered an out-of-pocket expense incurred and paid by the household.

(l) Earnings to participants of on-the-job training programs; exception

Notwithstanding section 181(a)(2) of the Workforce Investment Act of 1998 [29 U.S.C. 2931(a)(2)], earnings to individuals participating in on-the-job training under title I of the Workforce Investment Act of 1998 [29 U.S.C. 2801 et seq.] shall be considered earned income for purposes of the supplemental nutrition assistance program, except for dependents less than 19 years of age.

(m) Simplified calculation of income for self-employed

(1) In general

Not later than 1 year after August 22, 1996, the Secretary shall establish a procedure by which a State may submit a method, designed to not increase Federal costs, for the approval of the Secretary, that the Secretary determines will produce a reasonable estimate of income excluded under subsection (d)(9) of this section in lieu of calculating the actual cost of producing self-employment income.

(2) Inclusive of all types of income or limited types of income

The method submitted by a State under paragraph (1) may allow a State to estimate income for all types of self-employment income or may be limited to 1 or more types of self-employment income.

(3) Differences for different types of income

The method submitted by a State under paragraph (1) may differ for different types of self-employment income.

(n) State options to simplify determination of child support payments

Regardless of whether a State agency elects to provide a deduction under subsection (e)(4) of this section, the Secretary shall establish simplified procedures to allow State agencies, at the option of the State agencies, to determine the amount of any legally obligated child support payments made, including procedures to allow the State agency to rely on information from the agency responsible for implementing the program under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.) concern-

¹ See References in Text note below.

ing payments made in prior months in lieu of obtaining current information from the households.

(Pub. L. 88-525, §5, Aug. 31, 1964, 78 Stat. 704; Pub. L. 91-671, §4, Jan. 11, 1971, 84 Stat. 2049; Pub. L. 93-86, §3(d), (e), (g), (h), Aug. 10, 1973, 87 Stat. 246, 247; Pub. L. 95-113, title XIII, §1301, Sept. 29, 1977, 91 Stat. 962; Pub. L. 96-58, §2, Aug. 14, 1979, 93 Stat. 390; Pub. L. 96-223, title III, §313(c)(2), Apr. 2, 1980, 94 Stat. 299; Pub. L. 96-249, title I, §§102-108, 112, 136-138, May 26, 1980, 94 Stat. 357-359, 361, 369, 370; Pub. L. 97-35, title I, §§104(a), 105-107, 115, 116(a)(1), title XXVI, §2611, Aug. 13, 1981, 95 Stat. 358-361, 364, 902; Pub. L. 97-98, title XIII, §§1305-1309, Dec. 22, 1981, 95 Stat. 1283, 1284; Pub. L. 97-253, title I, §§143(b), 145(c), (d), 146-152(a), 153, 189(a), Sept. 8, 1982, 96 Stat. 773-776, 787; Pub. L. 98-204, §4, Dec. 2, 1983, 97 Stat. 1385; Pub. L. 99-198, title XV, §§1507(a)(1), 1508-1513(a), 1514, 1515, Dec. 23, 1985, 99 Stat. 1567-1572; Pub. L. 99-500, §101(a) [title VI, §638(a)], Oct. 18, 1986, 100 Stat. 1783, 1783-34, and Pub. L. 99-591, §101(a) [title VI, §638(a)], Oct. 30, 1986, 100 Stat. 3341, 3341-34; Pub. L. 100-77, title VIII, §§803(a), 804(a), 805(a), 806(a), 807(a), July 22, 1987, 101 Stat. 534, 535; Pub. L. 100-232, §2(a), Jan. 5, 1988, 101 Stat. 1566; Pub. L. 100-387, title V, §501(a), Aug. 11, 1988, 102 Stat. 960; Pub. L. 100-435, title II, §§201, 202(a), title III, §§340-343, 351, title IV, §§402, 403, 404(f), Sept. 19, 1988, 102 Stat. 1655, 1656, 1663-1665, 1668; Pub. L. 100-707, title I, §109(d), Nov. 23, 1988, 102 Stat. 4708; Pub. L. 101-624, title XVII, §§1714-1718(a), 1719-1722, 1726(b)(2), Nov. 28, 1990, 104 Stat. 3783-3787; Pub. L. 102-40, title IV, §402(d)(2), May 7, 1991, 105 Stat. 239; Pub. L. 102-237, title IX, §§902-906, 941(2), Dec. 13, 1991, 105 Stat. 1884, 1885, 1892; Pub. L. 102-265, §1(a), Mar. 26, 1992, 106 Stat. 90; Pub. L. 102-367, title VII, §702(b), Sept. 7, 1992, 106 Stat. 1113; Pub. L. 103-66, title XIII, §§13911-13915, 13921, 13922(a), 13923, 13924, Aug. 10, 1993, 107 Stat. 673-675; Pub. L. 103-225, title I, §101(b)(2), Mar. 25, 1994, 108 Stat. 107; Pub. L. 104-193, title I, §109(a), title VIII, §§806-809(a), 810-812, Aug. 22, 1996, 110 Stat. 2169, 2309, 2313, 2314; Pub. L. 105-277, div. A, §101(f) [title VIII, §405(d)(2)(A), (f)(2)(A)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-418, 2681-429; Pub. L. 106-387, §1(a) [title VIII, §§846(a), 847(a)], Oct. 28, 2000, 114 Stat. 1549, 1549A-65, 1549A-66; Pub. L. 107-171, title IV, §§4101-4108(a), 4112(b)(2), 4401(b)(2)(C), May 13, 2002, 116 Stat. 305-309, 313, 333; Pub. L. 110-234, title IV, §§4001(b), 4002(a)(2), 4101-4104, 4115(b)(3), May 22, 2008, 122 Stat. 1092, 1098-1100, 1106; Pub. L. 110-246, §4(a), title IV, §§4001(b), 4002(a)(2), 4101-4104, 4115(b)(3), June 18, 2008, 122 Stat. 1664, 1853, 1859-1861, 1867.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsecs. (a), (d)(5), (11), (16), (18), (f)(4), (g)(2)(D), (6)(A)(i), (j), (k)(1)(A), and (n), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Titles I, II, IV, X, XIV, XVI, and XIX of the Social Security Act are classified generally to subchapters I (§301 et seq.), II (§401 et seq.), IV (§601 et seq.), X (§1201 et seq.), XIV (§1351 et seq.), XVI (§1381 et seq.), and XIX (§1396 et seq.), respectively, of chapter 7 of Title 42, The Public Health and Welfare. Parts A and D of title IV of the Act are classified generally to parts A (§601 et seq.) and D (§651 et seq.) of subchapter IV of chapter 7 of Title 42. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

The Low-Income Home Energy Assistance Act of 1981, referred to in subsec. (e)(7)(C)(iv), is title XXVI of Pub. L. 97-35, Aug. 13, 1981, 95 Stat. 893, as amended, which is classified generally to subchapter II (§8621 et seq.) of chapter 94 of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 8621 of Title 42 and Tables.

Section 2022(b) of this title, referred to in subsec. (i)(2)(D), was amended generally by Pub. L. 104-193, title VIII, §844(a)(1), Aug. 22, 1996, 110 Stat. 2332, and, as so amended, provisions formerly appearing in section 2022(b)(2) of this title now appear in section 2022(b)(1) of this title.

Paragraph (2)(H), referred to in subsec. (k)(4)(A), meaning par. (2)(H) of subsec. (k), was redesignated par. (2)(G) by Pub. L. 104-193, title VIII, §811(2), Aug. 22, 1996, 110 Stat. 2314.

The Workforce Investment Act of 1998, referred to in subsec. (l), 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.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-246, §4115(b)(3)(A), which directed substitution of “section 2012(n)(4)” for “section 2012(i)(4)”, was executed by making the substitution in two places, to reflect the probable intent of Congress.

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

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

Subsec. (d). Pub. L. 110-246, §4101, inserted heading, redesignated cls. (1) to (18) as pars. (1) to (18), respectively, and realigned margins, in pars. (1) to (16), substituted semicolon for comma at end, in par. (3), redesignated subcls. (A) to (C) as subpars. (A) to (C), respectively, and realigned margins, in subpars. (B) and (C), substituted semicolon for comma at end, in par. (11), redesignated subcls. (A) and (B) as subpars. (A) and (B), respectively, in subpar. (A), substituted semicolon for comma at end, realigned margin of subpar. (B), and added par. (19).

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

Subsec. (e)(1)(A)(ii). Pub. L. 110-246, §4102(1), substituted “not less than—” and subcls. (I) and (II) for “not less than \$134, \$229, \$189, and \$118, respectively.”

Subsec. (e)(1)(B)(ii). Pub. L. 110-246, §4102(2), substituted “not less than—” and subcls. (I) and (II) for “not less than \$269.”

Subsec. (e)(1)(C). Pub. L. 110-246, §4102(3), added subpar. (C).

Subsec. (e)(3)(A). Pub. L. 110-246, §4103, struck out “, the maximum allowable level of which shall be \$200 per month for each dependent child under 2 years of age and \$175 per month for each other dependent,” after “deduction”.

Subsec. (e)(6)(C). Pub. L. 110-246, §4001(b), substituted “supplemental nutrition assistance program” for “food stamp program” wherever appearing.

Subsec. (g). Pub. L. 110-246, §4104(a)(1), inserted subsec. heading.

Subsec. (g)(1). Pub. L. 110-246, §4104(a), inserted par. heading, designated existing provisions as subpar. (A), inserted subpar. heading, inserted “(as adjusted in ac-

cordance with subparagraph (B))” after “\$2,000” and after “\$3,000”, and added subpar. (B).

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

Subsec. (g)(2)(B)(v). Pub. L. 110-246, §4104(b)(1), substituted “savings account” for “savings or retirement account (including an individual account)”.

Subsec. (g)(3), (6). Pub. L. 110-246, §4001(b), substituted “supplemental nutrition assistance program” for “food stamp program”.

Subsec. (g)(7), (8). Pub. L. 110-246, §4104(b)(2), (c), added pars. (7) and (8).

Subsec. (h)(2)(A). Pub. L. 110-246, §4002(a)(2), substituted “Disaster Task Force” for “Food Stamp Disaster Task Force”.

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

Subsec. (h)(3)(B). Pub. L. 110-246, §4115(b)(3)(B), substituted “section 2016(h)” for “section 2016(i)” in second sentence.

Subsec. (i)(2)(E). Pub. L. 110-246, §4115(b)(3)(C), struck out “, as defined in section 2012(i) of this title,” after “household”.

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

2002—Subsec. (a). Pub. L. 107-171, §4112(b)(2), substituted “section 2012(i)(4) of this title” for “the third sentence of section 2012(i) of this title” in two places.

Subsec. (d)(6). Pub. L. 107-171, §4101(a), inserted at end “and child support payments made by a household member to or for an individual who is not a member of the household if the household member is legally obligated to make the payments.”

Subsec. (d)(16) to (18). Pub. L. 107-171, §4102, added cls. (16) to (18).

Subsec. (e)(1). Pub. L. 107-171, §4103, added par. (1) and struck out heading and text of former par. (1). Text read as follows: “The Secretary shall allow a standard deduction for each household in the 48 contiguous States and the District of Columbia, Alaska, Hawaii, Guam, and the Virgin Islands of the United States of \$134, \$229, \$189, \$269, and \$118, respectively.”

Subsec. (e)(4). Pub. L. 107-171, §4101(b)(1), added par. (4) and struck out heading and text of former par. (4). Text read as follows:

“(A) IN GENERAL.—A household shall be entitled to a deduction for child support payments made by a household member to or for an individual who is not a member of the household if the household member is legally obligated to make the payments.

“(B) METHODS FOR DETERMINING AMOUNT.—The Secretary may prescribe by regulation the methods, including calculation on a retrospective basis, that a State agency shall use to determine the amount of the deduction for child support payments.”

Subsec. (e)(5), (6). Pub. L. 107-171, §4105(b)(1), redesignated pars. (6) and (7) as (5) and (6), respectively, and struck out heading and text of former par. (5). Text read as follows: “Under rules prescribed by the Secretary, a State agency may develop a standard homeless shelter allowance, which shall not exceed \$143 per month, for such expenses as may reasonably be expected to be incurred by households in which all members are homeless individuals but are not receiving free shelter throughout the month. A State agency that develops the allowance may use the allowance in determining eligibility and allotments for the households. The State agency may make a household with extremely low shelter costs ineligible for the allowance.”

Subsec. (e)(7). Pub. L. 107-171, §4105(b)(1)(B), redesignated par. (7) as (6). Former par. (6) redesignated (5).

Subsec. (e)(7)(C)(iii)(I)(bb). Pub. L. 107-171, §4104(1), inserted “(without regard to subclause (III))” after “Secretary finds”.

Subsec. (e)(7)(C)(iii)(III). Pub. L. 107-171, §4104(2), added subcl. (III).

Subsec. (e)(7)(D). Pub. L. 107-171, §4105(a), added subpar. (D).

Subsec. (f)(1)(C). Pub. L. 107-171, §4106, added subpar. (C).

Subsec. (g)(1). Pub. L. 107-171, §4107(1), substituted “an elderly or disabled member” for “a member who is 60 years of age or older”.

Subsec. (g)(6). Pub. L. 107-171, §4107(2), added par. (6).

Subsec. (h)(3)(B). Pub. L. 107-171, §4108(a), inserted “issuance methods and” after “Secretary shall adjust” in first sentence and inserted “, any conditions that make reliance on electronic benefit transfer systems described in section 2016(i) of this title impracticable,” after “personnel” in second sentence.

Subsec. (i)(2)(E). Pub. L. 107-171, §4401(b)(2)(C), inserted “, or to any alien who is under 18 years of age” before period at end.

Subsec. (k)(4)(B). Pub. L. 107-171, §4105(b)(2), substituted “subsection (e)(6) of this section” for “subsection (e)(7) of this section”.

Subsec. (n). Pub. L. 107-171, §4101(b)(2), added subsec. (n).

2000—Subsec. (e)(7)(B)(iii) to (vi). Pub. L. 106-387, §1(a) [title VIII, §846(a)], added cls. (iii) to (vi) and struck out former cls. (iii) and (iv) which read as follows:

“(iii) for fiscal years 1999 and 2000, \$275, \$478, \$393, \$334, and \$203 per month, respectively; and

“(iv) for fiscal year 2001 and each subsequent fiscal year, \$300, \$521, \$429, \$364, and \$221 per month, respectively.”

Subsec. (g)(2)(B)(iv). Pub. L. 106-387, §1(a) [title VIII, §847(a)(1)], substituted “subparagraphs (C) and (D)” for “subparagraph (C)” and “to the extent that the fair market value of the vehicle exceeds \$4,650; and” for “to the extent that the fair market value of the vehicle exceeds \$4,600 through September 30, 1996, and \$4,650 beginning October 1, 1996; and”.

Subsec. (g)(2)(D). Pub. L. 106-387, §1(a) [title VIII, §847(a)(2)], added subpar. (D).

1998—Subsec. (l). Pub. L. 105-277, §101(f) [title VIII, §405(f)(2)(A)], substituted “Notwithstanding section 181(a)(2) of the Workforce Investment Act of 1998, earnings to individuals participating in on-the-job training under title I of the Workforce Investment Act of 1998” for “Notwithstanding section 1552(b) of title 29 or section 181(a)(2) of the Workforce Investment Act of 1998, earnings to individuals participating in on-the-job training programs under section 1604(b)(1)(C) or 1644(c)(1)(A) of title 29 or in on-the-job training under title I of the Workforce Investment Act of 1998”.

Pub. L. 105-277, §101(f) [title VIII, §405(d)(2)(A)], substituted “Notwithstanding section 1552(b) of title 29 or section 181(a)(2) of the Workforce Investment Act of 1998, earnings to individuals participating in on-the-job training programs under section 1604(b)(1)(C) or 1644(c)(1)(A) of title 29 or in on-the-job training under title I of the Workforce Investment Act of 1998” for “Notwithstanding section 1552(b) of title 29, earnings to individuals participating in on-the-job training programs under section 1604(b)(1)(C) or section 1644(c)(1)(A) of title 29”.

1996—Subsec. (a). Pub. L. 104-193, §109(a)(1), substituted “program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)” for “plan approved under part A of title IV of the Social Security Act”.

Subsec. (b). Pub. L. 104-193, §806, inserted heading and substituted “Except as otherwise provided in this chapter, the Secretary” for “The Secretary”.

Subsec. (d)(5). Pub. L. 104-193, §109(a)(2)(A), substituted “assistance under a State program funded” for “assistance to families with dependent children”.

Subsec. (d)(7). Pub. L. 104-193, §807, substituted “17” for “21”.

Subsec. (d)(11). Pub. L. 104-193, §808(a), added cl. (11) and struck out former cl. (11) which read as follows: “any payments or allowances made for the purpose of providing energy assistance (A) under any Federal law, or (B) under any State or local laws, designated by the State or local legislative body authorizing such payments or allowances as energy assistance, and deter-

mined by the Secretary to be calculated as if provided by the State or local government involved on a seasonal basis for an aggregate period not to exceed six months in any year even if such payments or allowances (including tax credits) are not provided on a seasonal basis because it would be administratively infeasible or impracticable to do so.”

Subsec. (d)(13) to (16). Pub. L. 104-193, § 109(a)(2)(B), redesignated cls. (14) to (16) as (13) to (15), respectively, and struck out former cl. (13) which read as follows: “at the option of a State agency and subject to subsection (m) of this section, child support payments that are excluded under section 402(a)(8)(A)(vi) of the Social Security Act (42 U.S.C. 602(a)(8)(A)(vi)).”

Subsec. (e). Pub. L. 104-193, § 809(a), added subsec. (e) and struck out former subsec. (e) which provided for deductions in computing household income for purposes of determining eligibility and benefit levels for households containing an elderly or disabled member and determining benefit levels only for all other households.

Subsec. (g)(2). Pub. L. 104-193, § 810, added par. (2) and struck out former par. (2) which read as follows: “The Secretary shall, in prescribing inclusions in, and exclusions from, financial resources, follow the regulations in force as of June 1, 1982 (other than those relating to licensed vehicles and inaccessible resources), and shall, in addition, include in financial resources any boats, snowmobiles, and airplanes used for recreational purposes, any vacation homes, any mobile homes used primarily for vacation purposes, any licensed vehicle (other than one used to produce earned income or that is necessary for transportation of a physically disabled household member and any other property, real or personal, to the extent that it is directly related to the maintenance or use of such vehicle) used for household transportation or used to obtain or continue employment to the extent that the fair market value of any such vehicle exceeds a level set by the Secretary, which shall be \$4,500 through August 31, 1994, \$4,550 beginning September 1, 1994, through September 30, 1995, \$4,600 beginning October 1, 1995, through September 30, 1996, and \$5,000 beginning October 1, 1996, as adjusted on such date and on each October 1 thereafter to reflect changes in the new car component of the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics for the 12-month period ending on June 30 preceding the date of such adjustment and rounded to the nearest \$50, and, regardless of whether there is a penalty for early withdrawal, any savings or retirement accounts (including individual accounts). The Secretary shall exclude from financial resources the value of a vehicle that a household depends upon to carry fuel for heating or water for home use when such transported fuel or water is the primary source of fuel or water for the household.”

Subsec. (j). Pub. L. 104-193, § 109(a)(3), substituted “program funded under part A of title IV of the Act (42 U.S.C. 601 et seq.)” for “plan approved under part A of title IV of such Act (42 U.S.C. 601 et seq.)”.

Subsec. (k)(1). Pub. L. 104-193, § 808(b)(1), in subpar. (A), substituted “State program funded” for “State plan for aid to families with dependent children approved” and in subpar. (B), struck out “, not including energy or utility-cost assistance,” before “under” in introductory provisions.

Subsec. (k)(2)(C). Pub. L. 104-193, § 808(b)(2), added subpar. (C) and struck out former subpar. (C) which read as follows: “energy assistance;”.

Subsec. (k)(2)(F) to (H). Pub. L. 104-193, § 811, redesignated subpars. (G) and (H) as (F) and (G), respectively, and struck out former subpar. (F) which read as follows: “housing assistance payments made to a third party on behalf of the household residing in transitional housing for the homeless;”.

Subsec. (k)(4). Pub. L. 104-193, § 808(b)(3), added par. (4).

Subsec. (m). Pub. L. 104-193, § 812, added subsec. (m). Pub. L. 104-193, § 109(a)(4), struck out subsec. (m) which read as follows: “If a State agency excludes payments from income for purposes of the food stamp pro-

gram under subsection (d)(13) of this section, such State agency shall pay to the Federal Government, in a manner prescribed by the Secretary, the cost of any additional benefits provided to households in such State that arise under such program as the result of such exclusion.”

1994—Subsec. (f)(2)(C). Pub. L. 103-225 substituted “clauses (i), (ii), and (iii)” for “clauses (i), (ii), (iii), and (iv)”.

1993—Subsec. (d)(7). Pub. L. 103-66, § 13911, substituted “who is an elementary or secondary school student, and who is 21 years of age or younger” for “who is a student, and who has not attained his eighteenth birthday”.

Subsec. (e). Pub. L. 103-66, § 13922(a), in cl. (1) of fourth sentence, substituted “\$200 a month for each dependent child under 2 years of age and \$175 a month for each other dependent” for “\$160 a month for each dependent”, and struck out “, regardless of the dependent’s age,” before “when such care enables a household member to accept”.

Pub. L. 103-66, § 13912(a)(1), in fourth sentence struck out “: *Provided*, That the amount of such excess shelter expense deduction shall not exceed \$164 a month in the forty-eight contiguous States and the District of Columbia, and shall not exceed, in Alaska, Hawaii, Guam, and the Virgin Islands of the United States \$285, \$234, \$199, and \$121 a month, respectively, adjusted on October 1, 1988, and on each October 1 thereafter, to the nearest lower dollar increment to reflect changes in the shelter, fuel, and utilities components of housing costs in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics, as appropriately adjusted by the Bureau of Labor Statistics after consultation with the Secretary, for the twelve months ending the preceding June 30” after “deductions have been allowed”.

Pub. L. 103-66, § 13912(b)(2), which directed amendment of subsec. (e), as amended by section 13912(b)(1) of Pub. L. 103-66, by striking out the fifth and sixth sentences, could not be executed in view of amendment by Pub. L. 104-193. See 1996 Amendment note above and Effective Date of 1993 Amendment note below.

Pub. L. 103-66, § 13912(b)(1), inserted new fifth and sixth sentences: “In the 15-month period ending September 30, 1995, such excess shelter expense deduction shall not exceed \$231 a month in the 48 contiguous States and the District of Columbia, and shall not exceed, in Alaska, Hawaii, Guam, and the Virgin Islands of the United States, \$402, \$330, \$280, and \$171 a month, respectively. In the 15-month period ending December 31, 1996, such excess shelter expense deduction shall not exceed \$247 a month in the 48 contiguous States and the District of Columbia, and shall not exceed, in Alaska, Hawaii, Guam, and the Virgin Islands of the United States, \$429, \$353, \$300, and \$182 a month, respectively.”

Pub. L. 103-66, § 13912(a)(2), in seventh sentence struck out “under clause (2) of the preceding sentence” after “shelter expense deduction”.

Pub. L. 103-66, § 13921, inserted at end: “Before determining the excess shelter expense deduction, all households shall be entitled to a deduction for child support payments made by a household member to or for an individual who is not a member of the household if such household member was legally obligated to make such payments, except that the Secretary is authorized to prescribe by regulation the methods, including calculation on a retrospective basis, that State agencies shall use to determine the amount of the deduction for child support payments.”

Subsec. (g)(2). Pub. L. 103-66, § 13924, inserted at end: “The Secretary shall exclude from financial resources the value of a vehicle that a household depends upon to carry fuel for heating or water for home use when such transported fuel or water is the primary source of fuel or water for the household.”

Pub. L. 103-66, § 13923, substituted “a level set by the Secretary, which shall be \$4,500 through August 31, 1994, \$4,550 beginning September 1, 1994, through September 30, 1995, \$4,600 beginning October 1, 1995, through Sep-

tember 30, 1996, and \$5,000 beginning October 1, 1996, as adjusted on such date and on each October 1 thereafter to reflect changes in the new car component of the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics for the 12-month period ending on June 30 preceding the date of such adjustment and rounded to the nearest \$50" for "\$4,500".

Subsec. (g)(3). Pub. L. 103-66, §13913, inserted at end: "The Secretary shall also exclude from financial resources any earned income tax credits received by any member of the household for a period of 12 months from receipt if such member was participating in the food stamp program at the time the credits were received and participated in such program continuously during the 12-month period."

Subsec. (k)(1)(B). Pub. L. 103-66, §13915, substituted "housing expenses, not including energy or utility-cost assistance," for "living expenses".

Subsec. (k)(2)(F). Pub. L. 103-66, §13914, amended subpar. (F) generally. Prior to amendment, subpar. (F) read as follows: "housing assistance payments made to a third party on behalf of a household residing in transitional housing for the homeless in an amount equal to 50 percent of the maximum shelter allowance provided to families not residing in such transitional housing under the States' plan for aid to families with dependent children approved under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), if the State agency calculates a shelter allowance to be paid under the State plan separate and apart from payments for other household needs even though it may be paid in combination with other allowances in some cases;"

1992—Subsec. (d)(16). Pub. L. 102-265 substituted "subparagraph (A)(iii) or (B)(iv) of section 1612(b)(4) of the Social Security Act (42 U.S.C. 1382a(b)(4))" for "section 1612(b)(4)(B)(iv) of the Social Security Act (42 U.S.C. 1382a(b)(4)(B)(iv))".

Subsec. (l). Pub. L. 102-367 substituted "section 1604(b)(1)(C) or section 1644(c)(1)(A) of title 29" for "section 1604(5) of title 29".

1991—Subsec. (a). Pub. L. 102-237, §902, substituted "based on income criteria comparable to or more restrictive than those under subsection (c)(2) of this section, and not limited to one-time emergency payments that cannot be provided for more than one consecutive month," for "appropriate for categorical treatment".

Subsec. (d)(2). Pub. L. 102-237, §941(2)(A), made technical amendment to reference to subsection (f) of this section involving corresponding provision of original act.

Subsec. (d)(3)(A). Pub. L. 102-237, §903(1)(A), substituted "awarded to a household member enrolled" for "to the extent that they are used for tuition and mandatory school fees (including the rental or purchase of any equipment, materials, and supplies required to pursue the course of study involved)".

Subsec. (d)(3)(B). Pub. L. 102-237, §903(1)(B), inserted "used for or" after "amount" and substituted "program, or other grantor, for tuition and mandatory fees (including the rental or purchase of any equipment, materials, and supplies related to the pursuit of the course of study involved)," for "or program for".

Subsec. (d)(12). Pub. L. 102-40 substituted "section 5312 of title 38" for "section 3112 of title 38".

Subsec. (d)(16). Pub. L. 102-237, §903(2), (3), added cl. (16).

Subsec. (g)(5). Pub. L. 102-237, §904, inserted at end "A resource shall be so identified if its sale or other disposition is unlikely to produce any significant amount of funds for the support of the household. The Secretary shall not require the State agency to require verification of the value of a resource to be excluded under this paragraph unless the State agency determines that the information provided by the household is questionable."

Subsec. (h)(1). Pub. L. 102-237, §941(2)(B), made technical amendment to references to sections 5170a and 5192 of title 42 to reflect change in reference to corresponding provision of original act.

Subsec. (j). Pub. L. 102-237, §905, amended subsec. (j) generally. Prior to amendment, subsec. (j) read as fol-

lows: "Notwithstanding subsections (a) through (i) of this section, a State agency may consider the resources of a household member who receives supplemental security income benefits under title XVI of the Social Security Act, aid to the aged, blind, or disabled under title I, X, XIV, or XVI of the Social Security Act or who receives benefits under a State plan approved under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and whose income does not exceed the applicable income standard of eligibility described in subsection (c)(2) of this section to be exempt for purposes of satisfying the resource limitations prescribed under subsection (g) of this section if the resources are considered exempt for purposes of such title."

Subsec. (k)(2)(E). Pub. L. 102-237, §941(2)(C), realigned the margin.

Subsec. (k)(2)(F). Pub. L. 102-237, §906, inserted before semicolon at end ", if the State agency calculates a shelter allowance to be paid under the State plan separate and apart from payments for other household needs even though it may be paid in combination with other allowances in some cases".

1990—Subsec. (a). Pub. L. 101-624, §1714(2), inserted after second sentence "Except for sections 2015, 2025(e)(1), and the third sentence of section 2012(i) of this title, households in which each member receives benefits under a State or local general assistance program that complies with standards established by the Secretary for ensuring that the program is appropriate for categorical treatment shall be eligible to participate in the food stamp program."

Pub. L. 101-624, §1714(1), struck out "and beginning on December 23, 1985," before "households in which each member receives".

Subsec. (d)(3). Pub. L. 101-624, §1715(a)(1), inserted "(A)" after "the like" and substituted "(including the rental or purchase of any equipment, materials, and supplies required to pursue the course of study involved) at a recognized institution of post-secondary education, at a school for the handicapped, in a vocational education program, or in a program that provides for completion of a secondary school diploma or obtaining the equivalent thereof, (B) to the extent that they do not exceed the amount made available as an allowance determined by such school, institution, or program for books, supplies, transportation, and other miscellaneous personal expenses (other than living expenses), of the student incidental to attending such school, institution, or program, and (C)" for "at an institution of post-secondary education or school for the handicapped, and".

Subsec. (d)(5). Pub. L. 101-624, §1716, inserted "and any allowance a State agency provides no more frequently than annually to families with children on the occasion of those children's entering or returning to school or child care for the purpose of obtaining school clothes (except that no such allowance shall be excluded if the State agency reduces monthly assistance to families with dependent children under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) in the month for which the allowance is provided)" after "household".

Pub. L. 101-624, §1715(a)(2), inserted "and" after "1988)", struck out "non-Federal" after "no portion of any", and struck out "and no portion of any Federal educational loan on which payment is deferred, grant, scholarship, fellowship, veterans' benefits, and the like to the extent it provides income assistance beyond that used for tuition and mandatory school fees," before "shall be considered such reimbursement".

Subsec. (e). Pub. L. 101-624, §1717, inserted before period at end of last sentence ", shall rely on reasonable estimates of the member's expected medical expenses for the certification period (including changes that can be reasonably anticipated based on available information about the member's medical condition, public or private medical insurance coverage, and the current verified medical expenses incurred by the member), and shall not require further reporting or verification of a change in medical expenses if such a change has been anticipated for the certification period".

Pub. L. 101-624, §1715(b), inserted “, amounts made available and excluded for the expenses under subsection (d)(3) of this section,” after “third party” in fourth sentence.

Subsec. (f)(2). Pub. L. 101-624, §1718(a), amended par. (2) generally. Prior to amendment, par. (2) read as follows:

“(A) Households not required to submit monthly reports of their income and household circumstances under section 2015(c)(1) of this title shall have their income calculated on a prospective basis, as provided in paragraph (3)(A).

“(B) Households required to submit monthly reports of their income and household circumstances under section 2015(c)(1) of this title shall have their income calculated on a retrospective basis, as provided in paragraph (3)(B), except that in the case of the first month, or at the option of the State the first and second months, in a continuous period in which a household is certified, the State agency shall determine the amount of benefits on the basis of the household’s income and other relevant circumstances in such first or second month.”

Subsec. (g). Pub. L. 101-624, §1726(b)(2), inserted before period at end of par. (3) “and nonliquid resources necessary to allow the household to carry out a plan for self-sufficiency approved by the State agency that constitutes adequate participation in an employment and training program under section 2015(d) of this title”.

Pub. L. 101-624, §1719(1), designated first through fourth sentences as pars. (1) to (4), respectively, and added par. (5).

Subsec. (h)(3). Pub. L. 101-624, §1720, added par. (3).

Subsec. (j). Pub. L. 101-624, §1719(2), substituted “the resources of a household member who receives supplemental security income benefits under title XVI of the Social Security Act, aid to the aged, blind, or disabled under title I, X, XIV, or XVI of the Social Security Act or who receives” for “a household in which all members of the household receive” and “be exempt for purposes of satisfying the resource limitations prescribed under subsection (g) of this section if the resources are considered exempt for purposes of such title” for “have satisfied the resource limitations prescribed under subsection (g) of this section”.

Subsec. (k)(2)(F). Pub. L. 101-624, §1721, added subpar. (F) and struck out former subpar. (F) which read as follows: “housing assistance payments made to a third party on behalf of a household residing in temporary housing if the temporary housing unit provided for the household as a result of such assistance payments lacks facilities for the preparation and cooking of hot meals or the refrigerated storage of food for home consumption; or”.

Subsec. (k)(2)(H). Pub. L. 101-624, §1722, added subpar. (H).

1988—Subsec. (a). Pub. L. 100-435, §201, struck out “during the period” before “beginning on December 23, 1985” and “and ending on September 30, 1989” after “beginning on December 23, 1985”.

Subsec. (d)(1). Pub. L. 100-435, §340(2), inserted “(notwithstanding its conversion in whole or in part to direct payments to households pursuant to any demonstration project carried out or authorized under Federal law including demonstration projects created by the waiver of provisions of Federal law)” after “to a household”.

Pub. L. 100-435, §340(1), which directed that “and except as provided in subsection (k),” be struck out was executed by striking out “except as provided in subsection (k),” as the probable intent of Congress.

Subsec. (d)(5). Pub. L. 100-435, §404(f), inserted “(except for payments or reimbursements for such expenses made under an employment, education, or training program initiated under such title after September 19, 1988)” after “child care expenses”.

Subsec. (d)(8). Pub. L. 100-232 inserted “cash donations based on need that are received from one or more private nonprofit charitable organizations, but not in excess of \$300 in the aggregate in a quarter,” after “or credits,”.

Subsec. (d)(11). Pub. L. 100-435, §343, substituted “allowances made for the purpose of providing energy assistance (A) under any Federal law, or (B) under any State or local laws, designated” for “allowances made under (A) any Federal law for the purpose of providing energy assistance, or (B) any State or local laws for the purpose of providing energy assistance, designated”.

Subsec. (d)(14). Pub. L. 100-435, §402, added cl. (14).

Subsec. (d)(15). Pub. L. 100-435, §403(a), added cl. (15).

Subsec. (e). Pub. L. 100-435, §403(b), in fourth sentence inserted “and expenses that are paid under section 2015(d)(4)(I) of this title for dependent care” after “third party” and substituted “\$160 a month for each dependent” for “\$160 a month”.

Pub. L. 100-435, §351, inserted provisions at end respecting method of claiming recurring medical expense deduction.

Subsec. (f)(1)(A). Pub. L. 100-435, §341, inserted provisions relating to permitted averaging of income and expenses in calculation of household income from member self-employed in farming operation and substituted “first” for “preceding”.

Subsec. (f)(2). Pub. L. 100-435, §202(a), added par. (2) and struck out former par. (2) which read as follows:

“(A) Household income for—

“(i) migrant farmworker households, and

“(ii) households—

“(I) that have no earned income, and

“(II) in which all adult members are elderly or disabled members,

shall be calculated on a prospective basis, as provided in paragraph (3)(A).

“(B) Household income for households that are permitted to report household circumstances at specified intervals less frequent than monthly under the first sentence of section 2015(c)(1) of this title, may, with the approval of the Secretary, be calculated by a State agency on a prospective basis, as provided in paragraph (3)(A) of this subsection.

“(C) Except as provided in subparagraphs (A) and (B), household income for households that have earned income and for households that include any member who has recent work history shall be calculated on a retrospective basis as provided in paragraph (3)(B).

“(D) Household income for all other households may be calculated, at the option of the State agency, on a prospective basis as provided in paragraph (3)(A) or on a retrospective basis as provided in paragraph (3)(B).”

Subsec. (g). Pub. L. 100-435, §342, inserted provisions at end relating to exclusion of farm property from financial resources.

Subsec. (h). Pub. L. 100-707 substituted “sections 5170a and 5192” for “section 5142(a)”.

Subsec. (k)(2)(E) to (G). Pub. L. 100-387 added subpar. (E) and redesignated former subpars. (E) and (F) as (F) and (G), respectively.

1987—Subsec. (c). Pub. L. 100-77, §803(a), inserted “shall be adjusted each October 1 and” after first reference to “eligibility”.

Subsec. (e). Pub. L. 100-77, §804(a), in second sentence substituted “(3)” for “and (3)” and “October 1, 1986” for “each October 1 thereafter”, and inserted cl. (4).

Pub. L. 100-77, §805(a), inserted at end of third sentence “, except that such additional deduction shall not be allowed with respect to earned income that a household willfully or fraudulently fails (as proven in a proceeding provided for in section 2015(b) of this title) to report in a timely manner”.

Pub. L. 100-77, §806(a), amended proviso in fourth sentence generally. Prior to amendment, the proviso read as follows: “That the amount of such excess shelter expense deduction shall not exceed \$147 a month in the forty-eight contiguous States and the District of Columbia, and shall not exceed, in Alaska, Hawaii, Guam, and the Virgin Islands of the United States, \$256, \$210, \$179, and \$109 a month, respectively, adjusted on October 1, 1986, and on each October 1 thereafter, to the nearest lower dollar increment to reflect changes in the shelter (exclusive of homeowners’ costs and maintenance and repair component of shelter costs), fuel,

and utilities components of housing costs in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics, as appropriately adjusted by the Bureau of Labor Statistics after consultation with the Secretary, for the twelve months ending the preceding June 30.”

Subsec. (k)(2). Pub. L. 100-77, § 807, temporarily added subpar. (E) and redesignated former subpar. (E) as (F). See Effective and Termination Dates of 1987 Amendment note below.

1986—Subsec. (e)(B). Pub. L. 99-500 and Pub. L. 99-591 substituted “contained in clause (1)” for “for the excess shelter expense deduction contained in clause (2)”.

1985—Subsec. (a). Pub. L. 99-198, § 1507(a)(1), inserted sentence providing that, notwithstanding any other provisions of this chapter except sections 2015(b), 2015(d)(2), and 2015(g) and the third sentence of section 2012(i) of this title, and during the period beginning on December 23, 1985, and ending on September 30, 1989, households in which each member receives benefits under a State plan approved under part A of title IV of the Social Security Act, supplemental security income benefits under title XVI of the Social Security Act, or aid to the aged, blind, or disabled under title I, X, XIV, or XVI of the Social Security Act, shall be eligible to participate in the food stamp program.

Subsec. (d)(1). Pub. L. 99-198, § 1508(1), inserted “except as provided in subsection (k) of this section,” after “payable directly to a household.”. Such amendment was duplicated exactly by section 1509(a)(1) of Pub. L. 99-198 except that the amendment by section 1509(a)(1) inserted an “and” at beginning of phrase inserted.

Pub. L. 99-198, § 1509(a)(1), which directed that “and except as provided in subsection (k) of this section,” be inserted after “payable directly to a household,” was not executed to text because it exactly duplicates the amendment made by section 1508(1) of Pub. L. 99-198 except that the amendment by section 1508(1) of Pub. L. 99-198 does not contain the “and” at beginning of phrase inserted.

Subsec. (d)(3). Pub. L. 99-198, § 1509(a)(2), substituted “post-secondary education” for “higher education” and inserted “and to the extent loans include any obligation fees and insurance premiums,”.

Subsec. (d)(5). Pub. L. 99-198, § 1509(a)(3), inserted “no portion of any non-Federal educational loan on which payment is deferred, grant, scholarship, fellowship, veterans’ benefits, and the like that are provided for living expenses, and no portion of any Federal educational loan on which payment is deferred, grant, scholarship, fellowship, veterans’ benefits, and the like to the extent it provides income assistance beyond that used for tuition and mandatory school fees,” after “child care expenses.”.

Subsec. (d)(9). Pub. L. 99-198, § 1509(a)(4), inserted “, but household income that otherwise is included under this subsection shall be reduced by the extent that the cost of producing self-employment income exceeds the income derived from self-employment as a farmer”.

Subsec. (d)(10). Pub. L. 99-198, § 1509(a)(5), inserted “except as otherwise provided in subsection (k) of this section”.

Subsec. (d)(13). Pub. L. 99-198, § 1510(1), added cl. (13).

Subsec. (e). Pub. L. 99-198, § 1511(1), substituted “homeowners’ costs and maintenance and repair component” for “homeownership component” in second sentence.

Pub. L. 99-198, § 1511(2), substituted “20 per centum” for “18 per centum” in third sentence.

Pub. L. 99-198, § 1511(3)(B), in cl. (1) of the fourth sentence substituted “\$160 a month” for “the same as that for the excess shelter expense deduction contained in clause (2) of this subsection”.

Pub. L. 99-198, § 1511(3)(C), substituted “and (2)” for “, or (2)” in fourth sentence.

Pub. L. 99-198, § 1511(3)(A), amended proviso in cl. (2) generally. Prior to amendment, proviso read as follows: “That the amount of such excess shelter expense deduction shall not exceed \$115 a month in the forty-eight

contiguous States and the District of Columbia, and shall not exceed, in Alaska, Hawaii, Guam, and the Virgin Islands of the United States, \$200, \$165, \$140, and \$85, respectively, adjusted (i) on October 1, 1983, to the nearest lower dollar increment to reflect changes in the shelter (exclusive of homeownership costs), fuel, and utilities components of housing costs in the Consumer Price Index for all urban consumers published by the Bureau of Labor Statistics, as appropriately adjusted by the Bureau of Labor Statistics after consultation with the Secretary, for the fifteen months ending the preceding March 31, (ii) on October 1, 1984, to the nearest lower dollar increment to reflect such changes for the fifteen months ending the preceding June 30, and (iii) on October 1, 1985, and each October 1 thereafter, to the nearest lower dollar increment to reflect such changes for the twelve months ending the preceding June 30.”.

Pub. L. 99-198, § 1511(3)(D), in fourth sentence struck out “, or (3) a deduction combining the dependent care and excess shelter expense deductions under clauses (1) and (2) of this subsection, the maximum allowable level of which shall not exceed the maximum allowable deduction under clause (2) of this subsection, on January 1, 1981, adjusted to the nearest \$5 increment to reflect such changes for the eighteen-month period ending the preceding September 30, and, on January 1, 1982, adjusted to the nearest \$5 to reflect such changes for the twelve months ending the preceding September 30 and the subsequent three months ending December 31 as projected by the Secretary in light of the best available data, and, on every January 1 thereafter, adjusted annually to the nearest \$5 increment to reflect such changes for the nine months ending the preceding September 30 and the subsequent three months ending December 31 projected by the Secretary in light of the best available data”.

Pub. L. 99-198, § 1511(4), inserted five new sentences after the existing seventh sentence beginning, respectively, “If a State agency”, “A State agency may use”, “A State agency not electing”, “For purposes of”, and “A State agency shall allow”, thereby repositioning existing sentence beginning “Households containing an elderly or disabled member” to a new position as 13th sentence of subsec. (e).

Subsec. (f)(1)(A). Pub. L. 99-198, § 1512, inserted sentence at end providing that notwithstanding preceding sentence, if the averaged amount does not accurately reflect the household’s actual monthly circumstances because the household has experienced a substantial increase or decrease in business earnings, the State agency shall calculate the self-employment income based on anticipated earnings.

Subsec. (f)(2)(A). Pub. L. 99-198, § 1513(a)(1), amended subpar. (A) generally, inserting reference to households that have no earned income and in which all adult members are elderly or disabled members.

Subsec. (f)(2)(B). Pub. L. 99-198, § 1513(a)(2), substituted “households that are permitted to report household circumstances at specified intervals less frequent than monthly under the first sentence of section 2015(c)(1) of this title, may, with the approval” for “households that (i) are permitted to report household circumstances at specified intervals less frequent than monthly under section 2015(c)(1) of this title, (ii) have no earned income and in which all adult members are elderly or disabled members, or (iii) are any other households, other than a migrant household, not required to report monthly or at less frequent intervals under section 2015(c)(1) of this title, may, with the approval”.

Subsec. (f)(2)(C). Pub. L. 99-198, § 1513(a)(3), substituted “Except as provided in subparagraphs (A) and (B), household income for households that have earned income and for households that include any member who has recent work history shall be calculated on a retrospective basis as provided in paragraph (3)(B)” for “Household income for all other households shall be calculated on a retrospective basis as provided in paragraph (3)(B)”.

Subsec. (f)(2)(D). Pub. L. 99-198, §1513(a)(3), added subpar. (D).

Subsec. (g). Pub. L. 99-198, §1514(1), substituted "\$2,000, or, in the case of a household which consists of or includes a member who is 60 years of age or older, if its resources exceed \$3,000" for "\$1,500, or, in the case of a household consisting of two or more persons, one of whom is age 60 or over, if its resources exceed \$3,000".

Pub. L. 99-198, §1514(2), (3), inserted in second sentence "and inaccessible resources" after "relating to licensed vehicles" and "and any other property, real or personal, to the extent that it is directly related to the maintenance or use of such vehicle" after "physically disabled household member", and inserted provision directing the Secretary to exclude from financial resources the value of a burial plot for each member of a household.

Subsec. (h)(2). Pub. L. 99-198, §1515, amended par. (2) generally. Prior to amendment, par. (2) read as follows: "The Secretary shall establish a Food Stamp Disaster Task Force, to assist States in implementing and operating the disaster program, which shall be available to go into a disaster area and provide direct assistance to State and local officials."

Subsec. (k)(1), (2). Pub. L. 99-198, §1508(2), added subsec. (k) consisting of pars. (1) and (2).

Subsec. (k)(3). Pub. L. 99-198, §1509(b), added par. (3).

Subsec. (l). Pub. L. 99-198, §1509(c), added subsec. (l).

Subsec. (m). Pub. L. 99-198, §1510(2), added subsec. (m).

1983—Subsec. (f)(2). Pub. L. 98-204 added subpar. (B), and redesignated former subpar. (B) as (C).

1982—Subsec. (c). Pub. L. 97-253, §§145(c), 146(a), substituted provisions that the income standards of eligibility shall render a household ineligible for food stamps if the household's income, after certain exclusions and deductions, exceeds the poverty line, or, in the case of a household not including an elderly or disabled member (after the exclusions provided for in subsec. (d) but before the deductions provided for in subsec. (e)) exceeds such poverty line by more than 30 per centum, for former provisions that the income standards of eligibility were, for households containing a member who was sixty years of age or over or a member who received supplemental security income benefits under title XVI of the Social Security Act or disability and blindness payments under titles I, II, X, XIV, and XVI of the Social Security Act, 100 per centum, and for all other households, 130 per centum, of the nonfarm income poverty guidelines prescribed by the Office of Management and Budget adjusted annually pursuant to section 2971d of title 42, for the forty-eight States and the District of Columbia, Alaska, Hawaii, the Virgin Islands of the United States, and Guam, respectively.

Subsec. (d)(12). Pub. L. 97-253, §147, added cl. (12).

Subsec. (e). Pub. L. 97-253, §§143(b), 145(d), 146(b), 148, 149, in first sentence substituted reference for households containing an elderly or disabled member for reference to households described in subsec. (c)(1) of this section, substituted reference to October 1, 1983, for reference to July 1, 1983, and reference to the nearest lower dollar increment for reference to the nearest \$5 increment, respectively, wherever appearing in second sentence and in the proviso of cl. (2) of fourth sentence, respectively, in fourth and seventh sentences and in par. (A) substituted reference to elderly or disabled members for references to members who were sixty years of age or over or who received supplemental security income benefits under title XVI of the Social Security Act or disability and blindness payments under titles I, II, X, XIV, and XVI of the Social Security Act, in par. (B) substituted reference to the fourth sentence of this subsection for former reference to the preceding sentence of this subsection, and inserted provisions that in computing the excess shelter expense deduction under cl. (2) of the preceding sentence, a State agency may use a standard utility allowance in accordance with regulations promulgated by the Secretary, except

that a State agency may use an allowance which does not fluctuate within a year to reflect seasonal variations, and that an allowance for a heating or cooling expense may not be used for a household that does not incur a heating or cooling expense, as the case may be, or does incur a heating or cooling expense but is located in a public housing unit which has central utility meters and charges households, with regard to such expense, only for excess utility costs, and that no such allowance may be used for a household that shares such expense with, and lives with, another individual not participating in the food stamp program, another household participating in the food stamp program, or both, unless the allowance is prorated between the household and the other individual, household, or both.

Subsec. (f)(2)(A). Pub. L. 97-253, §189(a), corrected a typographical error by substituting "prospective" for "propective".

Subsec. (f)(4). Pub. L. 97-253, §150, inserted "(except the provisions of paragraph (2)(A))" after "of this subsection".

Subsec. (g). Pub. L. 97-253, §§151, 152(a), substituted "June 1, 1982" for "June 1, 1977", substituted "any licensed vehicle" for "and any licensed vehicle", struck out the designation "(1)" before "include in financial resources", substituted "\$4,500, and, regardless of whether there is a penalty for early withdrawal, any savings or retirement accounts (including individual accounts)," for "\$4,500," and struck out provision requiring the Secretary to study and develop means of improving the effectiveness of the resource requirements adopted under this subsection in limiting participation to households in need of food assistance, and implement and report the results of such study and the Secretary's plans to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate no later than June 1, 1978.

Subsec. (j). Pub. L. 97-253, §153, added subsec. (j).

1981—Subsec. (b). Pub. L. 97-35, §116(a)(1), struck out reference to Puerto Rico.

Subsec. (c). Pub. L. 97-35, §§104(a)(1), 116(a)(1), added cls. (1) and (2) and struck out reference to Puerto Rico.

Subsec. (d). Pub. L. 97-98, §§1305, 1306, inserted in cl. (5) a proviso that no portion of benefits provided under title IV-A of the Social Security Act, to the extent it is attributable to an adjustment for work-related or child care expenses, be considered such reimbursement, substituted in cl. (10) "any other Federal law" for "any other law", and inserted in cl. (11) provision requiring that State and local laws be designated as energy assistance and determined by the Secretary to be calculated as if provided on a seasonal basis for an aggregate period not to exceed six months in any year even if not so provided on such basis.

Pub. L. 97-35, §§107(c), 2611, struck out "(2)" after "(f)" in cl. (2), struck out cl. (10) relating to increased home energy costs during fiscal year 1981, and redesignated cl. (11), relating to income specifically excluded from consideration by any other law, as cl. (10).

Subsec. (e). Pub. L. 97-98, §1307, inserted ", with respect to expenses other than expenses paid on behalf of the household by a third party," after "entitled" in two places.

Pub. L. 97-35, §§104(a)(2), 105, 106, 115, 116(a)(1), completely revised and reorganized provisions to provide for computation of standard deduction of \$85 per month instead of standard deduction of \$60 per month and accompanying determinations respecting adjustments, applicability, etc., for computation.

Subsec. (f). Pub. L. 97-35, §107(a), completely revised and reorganized provisions to provide for calculation of household income through a prospective or retrospective basis instead of calculation of household income by the State agency, and accompanying determination respecting criteria, methodologies, etc., for calculation.

Subsec. (f)(2)(B). Pub. L. 97-35, §107(b), substituted provisions requiring calculation on a retrospective basis, for provisions requiring calculation on either a

retrospective or prospective basis as elected by the State agency.

Subsec. (g). Pub. L. 97-98, §1309, inserted “(other than those relating to licensed vehicles)” after “June 1, 1977”.

Subsec. (i). Pub. L. 97-98, §1308, added subsec. (i).

1980—Subsec. (c). Pub. L. 96-249, §137, struck out provisions requiring that the income poverty guidelines for the period commencing July 1, 1978, be made as up to date as possible by multiplying the income poverty guidelines for 1977 by the change between the average 1977 Consumer Price Index and the Consumer Price Index for March 1978, utilizing the most current procedures which have been used by the Office of Management and Budget, and that the income poverty guidelines for future periods be similarly adjusted.

Subsec. (d). Pub. L. 96-249, §§102, 112, inserted in cl. (2) “subject to modification by the Secretary in light of subsection (f)(2) of this section,” after “quarter,” and added cl. (11), relating to energy assistance payments or allowances.

Pub. L. 96-223 added cl. (10) and redesignated former cl. (10), relating to income specifically excluded from consideration by any other law, as cl. (11).

Subsec. (e). Pub. L. 96-249, §§103, 136, substituted provisions requiring that the standard deduction be adjusted every Jan. 1 to the nearest \$5 to reflect changes in the Consumer Price Index for all urban consumers for items other than food for the last 12 months ending the preceding Sept. 30 for provisions requiring that the standard deduction be adjusted every July 1 and Jan. 1 and provisions requiring that the excess shelter expense deduction be adjusted every Jan. 1 to the nearest \$5 increment to reflect changes in the shelter, fuel, and utilities components of housing costs in the Consumer Price Index for all urban consumers for provisions requiring that the excess shelter expense deduction be adjusted annually as of July 1.

Pub. L. 96-249, §§104, 105, increased monthly maximum deduction per household for dependent care expenses related to employment, or employment related training or education from \$75 to \$90, decreased the threshold amount of the excess medical expense for the elderly, blind, and disabled from \$35 to \$25, and extended availability of the excess medical expense deduction to blind and disabled persons and their spouses in Puerto Rico, Guam, and the Virgin Islands, when they receive cash welfare payments through programs equivalent to the Social Security Income program. See Repeals note below.

Subsec. (f). Pub. L. 96-249, §107, inserted provisions giving States the option of determining program eligibility and benefits by using income received in a previous month, following standards prescribed by the Secretary.

Subsec. (g). Pub. L. 96-249, §§108, 138, substituted “\$1,500” for “\$1,750”, inserted “or that is necessary for transportation of a physically disabled household member” after “used to produce earned income”, and struck out “or to transport disabled household members” after “or continue employment”.

1979—Subsec. (e). Pub. L. 96-58 inserted provisions allowing for an excess medical expense deduction, a dependent care deduction, and an excess shelter expense deduction for elderly persons and persons receiving supplemental security income benefits or disability payments under the Social Security Act.

1977—Subsec. (a). Pub. L. 95-113 substituted reference to a more nutritious diet for reference to a nutritionally adequate diet, inserted provision that assistance under the program be furnished to all eligible households making application for participation, inserted reference to other financial resources held singly or in joint ownership, and struck out provisions excepting the limitation of the section in the case of disaster victims.

Subsec. (b). Pub. L. 95-113 inserted parenthetical reference to income standards for Alaska, Hawaii, Guam, Puerto Rico, and the Virgin Islands of the United States established pursuant to subsecs. (c) and (e) of

this section, inserted provision that no State agency may impose standards for participation in the program additional to those meeting the eligibility standards established by the Secretary, and struck out provisions that had dealt with specific areas of income and financial resources for eligible households. See subsecs. (d) to (h).

Subsec. (c). Pub. L. 95-113 substituted provisions covering guidelines with regard to income standards for provisions covering employment of able-bodied adults in eligible households.

Subsec. (d). Pub. L. 95-113 substituted provisions specifying the specific items making up household income for provisions that required that the Secretary establish uniform national standards.

Subsecs. (e) to (h). Pub. L. 95-113 added subsecs. (e) to (h).

1973—Subsec. (b). Pub. L. 93-86, §3(g), (h), inserted provisions relating to payments in kind received from an employer by members of a household as bearing upon the promulgation of uniform national standards, provision limiting the authority of the Secretary to establish temporary emergency standards of eligibility to the duration of the emergency, and the provision authorizing such standards for households that are victims of a mechanical disaster disrupting the distribution of coupons.

Subsec. (c). Pub. L. 93-86, §3(e), inserted definition of “able-bodied adult person”.

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

1971—Subsec. (a). Pub. L. 91-671 inserted introductory phrase “Except for the temporary participation of households that are victims of a disaster as provided in subsection (b) of this section” and provision respecting other financial resources as being a limitation factor and substituted “in permitting them to purchase” for “in the attainment of”.

Subsec. (b). Pub. L. 91-671 substituted provisions for establishment of uniform national standards of eligibility for participation by households in the food stamp program and minimum criteria of eligibility, ineligibility of any household which includes a member claimed as a dependent child for Federal income tax purposes by a taxpayer who is not a member of an eligible household, temporary emergency standards of eligibility, and special standards of eligibility and coupon allotment schedules in Puerto Rico and the Virgin Islands, not exceeding standards of eligibility or coupon allotment schedules of the States for prior establishment of standards of eligibility by the State agency, including maximum income limitations and limitation on resources to be allowed eligible households, and approval of such standards by the Secretary.

Subsec. (c). Pub. L. 91-671 added subsec. (c).

EFFECTIVE DATE OF 2008 AMENDMENT

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

Amendment by sections 4001(b), 4002(a)(2), 4101-4104, and 4115(b)(3) of Pub. L. 110-246 effective Oct. 1, 2008, see section 4407 of Pub. L. 110-246, set out as a note under section 1161 of Title 2, The Congress.

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-171, title IV, §4108(b), May 13, 2002, 116 Stat. 309, provided that: “The amendments made by this section [amending this section] take effect on the date of enactment of this Act [May 13, 2002].”

Pub. L. 107-171, title IV, §4401(b)(3), May 13, 2002, 116 Stat. 333, provided that: “The amendments made by this subsection [amending this section and sections 1612, 1613, and 1631 of Title 8, Aliens and Nationality] take effect on October 1, 2003.”

Amendment by sections 4101-4107 and 4112(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 2000 AMENDMENT

Pub. L. 106-387, §1(a) [title VIII, §846(b)], Oct. 28, 2000, 114 Stat. 1549, 1549A-66, provided that:

“(1) Except as provided in paragraph (2), the amendment made by this section [amending this section] shall take effect on March 1, 2001.

“(2) The amendment made by this section shall not apply with respect to certification periods beginning before March 1, 2001.”

Pub. L. 106-387, §1(a) [title VIII, §847(b)], Oct. 28, 2000, 114 Stat. 1549, 1549A-66, provided that:

“(1) Except as provided in paragraph (2), the amendments made by this section [amending this section] shall take effect on July 1, 2001.

“(2) The amendments made by this section shall not apply with respect to certification periods beginning before July 1, 2001.”

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by section 101(f) [title VIII, §405(d)(2)(A)] of Pub. L. 105-277 effective Oct. 21, 1998, and amendment by section 101(f) [title VIII, §405(f)(2)(A)] 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 1996 AMENDMENT

Amendment by section 109(a) 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 1993 AMENDMENT

Amendment by section 13923 of Pub. L. 103-66 effective, and to be implemented beginning on, Oct. 1, 1993, see section 13971(a) of Pub. L. 103-66, set out as a note under section 2025 of this title.

Amendment by section 13912(a), (b)(1) of Pub. L. 103-66 effective, and to be implemented beginning on, July 1, 1994, see section 13971(b)(3) of Pub. L. 103-66, set out as a note under section 2025 of this title.

Amendment by sections 13911, 13913 to 13915, 13922(a), and 13924 of 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.

Amendment by section 13921 of Pub. L. 103-66 effective, and to be implemented beginning on, Sept. 1, 1994, except that State agencies to implement such amendment not later than Oct. 1, 1995, see section 13971(b)(5) of Pub. L. 103-66, set out as a note under section 2025 of this title.

Amendment by section 13912(b)(2) of Pub. L. 103-66, effective, and to be implemented beginning on, Jan. 1, 1997, see section 13971(b)(6) of Pub. L. 103-66, set out as a note under section 2025 of this title.

EFFECTIVE DATE OF 1992 AMENDMENTS

Amendment by Pub. L. 102-367 effective July 1, 1993, see section 701(a) of Pub. L. 102-367, formerly set out as a note under section 1501 of Title 29, Labor.

Pub. L. 102-265, §1(b), Mar. 26, 1992, 106 Stat. 90, as amended by Pub. L. 110-234, title IV, §4002(b)(1)(B), (D), (2)(OO), May 22, 2008, 122 Stat. 1096, 1098; Pub. L. 110-246, §4(a), title IV, §4002(b)(1)(B), (D), (2)(OO), June 18, 2008, 122 Stat. 1664, 1857, 1859, provided that:

“(1) IN GENERAL.—The amendment made by subsection (a) [amending this section] shall take effect on the earlier of—

“(A) December 13, 1991;

“(B) October 1, 1990, for supplemental nutrition assistance program benefits households for which the State agency knew, or had notice, that a member of the household had a plan for achieving self-support as provided under section 1612(b)(4)(A)(iii) of the Social Security Act (42 U.S.C. 1382a(b)(4)(A)(iii)); or

“(C) beginning on the date that a fair hearing was requested under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) contesting the denial of an exclusion for supplemental nutrition assistance program benefits purposes for amounts necessary for the fulfillment of such a plan for achieving self-support.

“(2) LIMITATION ON APPLICATION OF SECTION.—Notwithstanding section 11(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(b)), no State agency shall be required to search its files for cases to which the amendment made by subsection (a) applies, except where the excludability of amounts described in section 5(d)(16) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(d)(16)) was raised with the State agency prior to December 13, 1991.”

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by sections 902, 903(1), (2), 904-906, and 941(2) of Pub. L. 102-237 effective and to be implemented no later than Feb. 1, 1992, and amendment by section 903(3) of Pub. L. 102-237 effective on the earlier of Dec. 13, 1991, Oct. 1, 1990, for certain supplemental nutrition assistance program benefits households, or beginning on date of request for hearing where exclusion of certain amounts for supplemental nutrition assistance program benefits purposes was denied, with limitation on application of amendment, see section 1101(d)(1), (2) of Pub. L. 102-237, set out as a note under section 1421 of this title.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by sections 1714(1), 1715, 1717, 1719, 1720, and 1726(b)(2) of 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, amendment by section 1714(2) of Pub. L. 101-624 effective and implemented first day of month beginning 120 days after promulgation of implementing regulations to be promulgated not later than Oct. 1, 1991, in case of State general assistance program, and Apr. 1, 1992, in case of local general assistance program, amendment by sections 1716 and 1722 of Pub. L. 101-624 effective and implemented first day of month beginning 120 days after promulgation of implementing regulations to be promulgated not later than Apr. 1, 1991, amendment by section 1718(a) of Pub. L. 101-624 effective Nov. 28, 1990, and amendment by section 1721 of Pub. L. 101-624 effective Oct. 1, 1990, see section 1781 of Pub. L. 101-624, set out as a note under section 2012 of this title.

EFFECTIVE DATE OF 1988 AMENDMENTS

Amendment by sections 201, 202(a), 403, and 404(f) of Pub. L. 100-435 to be effective and implemented on Oct. 1, 1988, amendment by sections 340 to 342 and 351 of Pub. L. 100-435 to be effective and implemented on July 1, 1989, amendment by section 343 of Pub. L. 100-435 to be effective and implemented on Sept. 19, 1988, and amendment by section 402 of Pub. L. 100-435 to be effective and implemented on Jan. 1, 1989, except that amendment by sections 201, 341, 342, 351, 402, 403, and 404(f) 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)(1), (2), (4), (c)(2) of Pub. L. 100-435, set out as a note under section 2012 of this title.

Pub. L. 100-387, title V, §501(b), Aug. 11, 1988, 102 Stat. 960, as amended by Pub. L. 110-234, title IV,

§ 4002(b)(1)(B), (2)(JJ), May 22, 2008, 122 Stat. 1096, 1098; Pub. L. 110-246, § 4(a), title IV, § 4002(b)(1)(B), (2)(JJ), June 18, 2008, 122 Stat. 1664, 1857, 1859, provided that:

“(1) The amendments made by this section [amending this section] shall take effect on the date of enactment of this Act [Aug. 11, 1988].

“(2) The amendments made by this section shall not apply with respect to allotments issued under the Food and Nutrition Act of 2008 [this chapter] to any household for any month beginning before the effective period of this section begins.”

Pub. L. 100-232, § 2(b), Jan. 5, 1988, 101 Stat. 1566, provided that:

“(1) EFFECTIVE DATE.—Except as provided in paragraph (2), the amendment made by this section [amending this section] shall become effective upon the date of enactment of this Act [Jan. 5, 1988].

“(2) APPLICATION OF AMENDMENT.—The amendment made by this section shall not apply with respect to allotments issued under the Food Stamp Act of 1977 [now the Food and Nutrition Act of 2008, 7 U.S.C. 2011 et seq.] to any household for any month beginning before the date of enactment of this Act.”

EFFECTIVE AND TERMINATION DATES OF 1987 AMENDMENT

Pub. L. 100-77, title VIII, § 803(b), July 22, 1987, 101 Stat. 534, provided that: “The amendment made by this section [amending this section] shall become effective on July 1, 1988.”

Pub. L. 100-77, title VIII, § 804(b), July 22, 1987, 101 Stat. 534, provided that: “The amendments made by this section [amending this section] shall become effective on October 1, 1987.”

Pub. L. 100-77, title VIII, § 805(b), July 22, 1987, 101 Stat. 535, provided that:

“(1) The amendment made by this section [amending this section] shall become effective and shall be implemented 45 days after the date of enactment of this Act [July 22, 1987].

“(2) The amendment made by this section shall not apply with respect to allotments issued under the Food Stamp Act of 1977 [now the Food and Nutrition Act of 2008, 7 U.S.C. 2011 et seq.] to any household for any month beginning before the effective date of the amendment.”

Pub. L. 100-77, title VIII, § 806(b), July 22, 1987, 101 Stat. 535, provided that:

“(1) The amendment made by this section [amending this section] shall become effective on October 1, 1987.

“(2) The amendment made by this section shall not apply with respect to an allotment issued under the Food Stamp Act of 1977 [now the Food and Nutrition Act of 2008, 7 U.S.C. 2011 et seq.] to a household for a certification period beginning before October 1, 1987.”

Pub. L. 100-77, title VIII, § 807(b), July 22, 1987, 101 Stat. 535, as amended by Pub. L. 101-220, § 10, Dec. 12, 1989, 103 Stat. 1882; Pub. L. 110-234, title IV, § 4002(b)(1)(B), (2)(E), May 22, 2008, 122 Stat. 1096, 1097; Pub. L. 110-246, § 4(a), title IV, § 4002(b)(1)(B), (2)(E), June 18, 2008, 122 Stat. 1664, 1857, 1858, provided that:

“(1) The amendments made by this section [amending this section] shall be effective and shall be implemented for the period beginning 90 days after the date of enactment of this Act [July 22, 1987] and ending September 30, 1990.

“(2) The Secretary shall adjust the level of benefits provided to households under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) during the period between September 30, 1989 and the effective date of this paragraph [Dec. 12, 1989] to ensure that the level of such benefits is no less than the level determined in accordance with the provisions of section 5(k)(2)(F) of the Food and Nutrition Act of 2008 [7 U.S.C. 2014(k)(2)(F)].

“(3) The amendments made by this section shall not apply with respect to allotments issued under the Food and Nutrition Act of 2008 [this chapter] to any household for any month beginning before the effective period of this section begins.”

EFFECTIVE DATE OF 1986 AMENDMENT

Pub. L. 99-500, § 101(a) [title VI, § 638(b)], Oct. 18, 1986, 100 Stat. 1783, 1783-35, and Pub. L. 99-591, § 101(a) [title VI, § 638(b)], Oct. 30, 1986, 100 Stat. 3341, 3341-35, provided that:

“(1) Except as provided in paragraphs (2) and (3), the amendment made by subsection (a) [amending this section] shall become effective 30 days after the date of enactment of this Act [Oct. 18, 1986].

“(2) Except as provided in paragraph (3), the amendment made by subsection (a) shall not apply to an allotment issued to any eligible household under the Food Stamp Act of 1977 [now the Food and Nutrition Act of 2008] (7 U.S.C. 2011 et seq.) for any month beginning before the effective date of this subsection.

“(3) If a State elected before the date of enactment of this Act to compute household income in accordance with section 5(e) of the Food Stamp Act of 1977 [now the Food and Nutrition Act of 2008] (7 U.S.C. 2014(e)) (as amended by subsection (a)), the amendment made by subsection (a) shall become effective on May 1, 1986.”

EFFECTIVE DATE OF 1985 AMENDMENT

Sections 1511(2), (3) and 1514(1) of Pub. L. 99-198 provided that the amendments made by those sections are effective May 1, 1986.

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 107(b) 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.

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

Amendment by sections 104(a), 105, 106, 107(a), (c), and 115 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 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

Pub. L. 99-198, title XV, § 1507(a), Dec. 23, 1985, 99 Stat. 1568, provided that during the period beginning on Dec. 23, 1985, and ending on Sept. 30, 1989, subsec. (j) of this section would 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

Pub. L. 101-624, title XVII, § 1718(b), Nov. 28, 1990, 104 Stat. 3785, as amended by Pub. L. 110-234, title IV, § 4002(b)(1)(B), (2)(KK), May 22, 2008, 122 Stat. 1096, 1098; Pub. L. 110-246, § 4(a), title IV, § 4002(b)(1)(B), (2)(KK), June 18, 2008, 122 Stat. 1664, 1857, 1859, 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 and Nutrition Act of 2008 (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 and Nutrition Act of 2008 (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

Pub. L. 99-198, title XV, § 1507(c), Dec. 23, 1985, 99 Stat. 1568, directed the Secretary of Agriculture to evaluate the implementation of the amendment made to subsec. (a) of this section by Pub. L. 99-198, § 1507(a), and submit a report summarizing the results of such evaluation to Committees of Congress not later than 2 years after Dec. 23, 1985.

STUDY AND REPORT RESPECTING RESTRICTING BENEFITS
OF FOOD STAMP PROGRAM BASED ON VALUE OF ASSETS
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 INDIVIDUAL
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.

§ 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 supplemental nutrition assistance 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 program benefits 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 benefits; 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 benefits;

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