

Attachment C: Funding Provisions

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Sec. 16

FOOD STAMP ACT OF 1977

1-84

(3) PROHIBITION ON RECEIPT OF PERFORMANCE BONUS PAYMENTS.—A State agency shall not be eligible for a performance bonus payment with respect to any fiscal year for which the State agency has a liability amount established under subsection (c)(1)(C).

(4) PAYMENTS NOT SUBJECT TO JUDICIAL REVIEW.—A determination by the Secretary whether, and in what amount, to award a performance bonus payment under this subsection shall not be subject to administrative or judicial review.

(c) The Secretary and State agencies shall (1) require, as a condition of eligibility for participation in the food stamp program, that each household member furnish to the State agency their social security account number (or numbers, if they have more than one number), and (2) use such account numbers in the administration of the food stamp program. The Secretary and State agencies shall have access to the information regarding individual food stamp program applicants and participants who receive benefits under title XVI of the Social Security Act [(42 U.S.C. 1381 et seq.)] that has been provided to the Commissioner of Social Security, but only to the extent that the Secretary and the Commissioner of Social Security determine necessary for purposes of determining or auditing a household's eligibility to receive assistance or the amount thereof under the food stamp program, or verifying information related thereto.

(f) Notwithstanding any other provision of law, counsel may be employed and counsel fees, court costs, bail, and other expenses incidental to the defense of officers and employees of the Department of Agriculture may be paid in judicial or administrative proceedings to which such officers and employees have been made parties and that arise directly out of their performance of duties under this Act.

(g) The Secretary is authorized to pay to each State agency an amount equal to—

63 percent effective on October 1, 1991, of¹⁶⁻³ the costs incurred by the State agency in the planning, design, development, or installation of automatic data processing and information retrieval systems that the Secretary determines (1) will assist in meeting the requirements of this Act, (2) meet such conditions as the Secretary prescribes, (3) are likely to provide more efficient and effective administration of the food stamp program, and (4) will be compatible with other such systems used in the administration of State programs funded under part A of title IV of the Social Security Act [(42 U.S.C. 601 et seq.)]: *Provided*, That there shall be no such payments to the extent that a State agency is reimbursed for such costs under any other Federal program or uses such systems for purposes not connected with the food stamp program: *Provided further*, That any costs matched under this subsection shall be excluded in determining the State agency's administrative costs under any other subsection of this section.

* (h) FUNDING OF EMPLOYMENT AND TRAINING PROGRAMS.—
(1) IN GENERAL.—

¹⁶⁻³ Effective for calendar quarters beginning on or after April 1, 1994, section 13961(2) of the Mickey Leland Childhood Hunger Relief Act (P.L. 103-66, 107 Stat. 679) amends section 16(g) by striking "an amount equal to 63 percent effective on October 1, 1991, of" and inserting "the amount provided under subsection (a)(6) for". The amendment is not executed because the amendment did not strike the hyphen or remove the indentation in the text of this subsection, as added by section 129 of P.L. 96-249 (94 Stat. 367) and amended by section 180(a)(2) of P.L. 97-253 (96 Stat. 782), section 1752(a) of P.L. 101-624 (104 Stat. 3797), and section 941(7)(A) of P.L. 102-237 (105 Stat. 1893).

(A)¹⁶⁻⁴ AMOUNTS.—To carry out employment and training programs, the Secretary shall reserve for allocation to State agencies, to remain available until expended, from funds made available for each fiscal year under section 18(a)(1) the amount of—

- (i) for fiscal year 1996, \$75,000,000;
- (ii) for fiscal year 1997, \$79,000,000;
- (iii) for fiscal year 1998—
 - (I) \$81,000,000; and
 - (II) an additional amount of \$131,000,000;
- (iv) for fiscal year 1999—
 - (I) \$84,000,000; and
 - (II) an additional amount of \$31,000,000;
- (v) for fiscal year 2000—
 - (I) \$86,000,000; and
 - (II) an additional amount of \$86,000,000;
- (vi) for fiscal year 2001—
 - (I) \$88,000,000; and
 - (II) an additional amount of \$131,000,000; and
- (vii) for each of fiscal years 2002 through 2007, \$90,000,000.

(B) ALLOCATION.—Funds made available under subparagraph (A) shall be made available to and reallocated among State agencies under a reasonable formula that—

- (i) is determined and adjusted by the Secretary; and
- (ii) takes into account the number of individuals who are not exempt from the work requirement under section 6(o).

(C) REALLOCATION.—If a State agency will not expend all of the funds allocated to the State agency for a fiscal year under subparagraph (B), the Secretary shall reallocate the unexpended funds to other States (during the fiscal year or the subsequent fiscal year) as the Secretary considers appropriate and equitable.

(D) MINIMUM ALLOCATION.—Notwithstanding subparagraph (B), the Secretary shall ensure that each State agency operating an employment and training program shall receive not less than \$50,000 for each fiscal year.

(E) ADDITIONAL ALLOCATIONS FOR STATES THAT ENSURE AVAILABILITY OF WORK OPPORTUNITIES.—

- (i) IN GENERAL.—In addition to the allocations under subparagraph (A), from funds made available under section 18(a)(1), the Secretary shall allocate not more than \$20,000,000 for each of fiscal years 2002 through 2007 to reimburse a State agency that is eligible under clause (ii) for the costs incurred in serving food stamp recipients who—

- (I) are not eligible for an exception under section 6(o)(3); and

- (II) are placed in and comply with a program described in subparagraph (B) or (C) of section 6(o)(2).

¹⁶⁻⁴Sec. 4121(b) of the Farm Security and Rural Investment Act of 2002, P.L. 107-171, 116 Stat. 323, May 13, 2002, provides that funds provided under section 16(h)(1)(A) for any fiscal year before fiscal year 2002 shall be rescinded on the date of enactment of that Act, unless obligated by a State agency before that date.

(ii) ELIGIBILITY.—To be eligible for an additional allocation under clause (i), a State agency shall make and comply with a commitment to offer a position in a program described in subparagraph (B) or (C) of section 6(o)(2) to each applicant or recipient who—

(I) is in the last month of the 3-month period described in section 6(o)(2);

(II) is not eligible for an exception under section 6(o)(3);

(III) is not eligible for a waiver under section 6(o)(4); and

(IV) is not exempt under section 6(o)(6).

(2) If, in carrying out such program during such fiscal year, a State agency incurs costs that exceed the amount allocated to the State agency under paragraph (1), the Secretary shall pay such State agency an amount equal to 50 per centum of such additional costs, subject to the first limitation in paragraph (3), including the costs for case management and casework to facilitate the transition from economic dependency to self-sufficiency through work.

(3) The Secretary shall also reimburse each State agency in an amount equal to 50 per centum of the total amount of payments made or costs incurred by the State agency in connection with transportation costs and other expenses reasonably necessary and directly related to participation in an employment and training program under section 6(d)(4), except that the amount of the reimbursement for dependent care expenses shall not exceed an amount equal to the payment made under section 6(d)(4)(1)(i)(II) but not more than the applicable local market rate, and such reimbursement shall not be made out of funds allocated under paragraph (1).

(4) Funds provided to a State agency under this subsection may be used only for operating an employment and training program under section 6(d)(4), and may not be used for carrying out other provisions of this Act.

(5) The Secretary shall monitor the employment and training programs carried out by State agencies under section 6(d)(4) to measure their effectiveness in terms of the increase in the numbers of household members who obtain employment and the numbers of such members who retain such employment as a result of their participation in such employment and training programs.

(i)(1) The Department of Agriculture may use quality control information made available under this section to determine which project areas have payment error rates (as defined in subsection (d)(1)) that impair the integrity of the food stamp program.

(2) The Secretary may require a State agency to carry out new or modified procedures for the certification of households in areas identified under paragraph (1) if the Secretary determines such procedures would improve the integrity of the food stamp program and be cost effective.

(j) Not later than 180 days after the date of the enactment of the Hunger Prevention Act of 1988 [enacted on September 19, 1988], and annually thereafter, the Secretary shall publish instructional materials specifically designed to be used by the State agency to provide intensive training to State agency personnel who undertake the certification of households that include a member who engages in farming.

(k) REDUCTIONS IN PAYMENTS FOR ADMINISTRATIVE COSTS.—