
7 U.S. Code § 2020

Administration

(a) State responsibility

(1) In general

The State agency of each participating State shall have responsibility for certifying applicant households and issuing EBT cards.

(2) Local administration

The responsibility of the agency of the State government shall not be affected by whether the program is operated on a State-administered or county-administered basis, as provided under section 2012(s)(1) of this title.

(3) Records

(A) In general

Each State agency shall keep such records as may be necessary to determine whether the program is being conducted in compliance with this chapter (including regulations issued under this chapter).

(B) Inspection and audit

All records, and the entire information systems in which records are contained, that are covered in subparagraph (A) shall—

- (i) be made available for inspection and audit by the Secretary, subject to data and security protocols agreed to by the State agency and Secretary;
- (ii) subject to subsection (e)(8), be available for review in any action filed by a household to enforce any provision of this chapter (including regulations issued under this chapter); and
- (iii) be preserved for such period of not less than 3 years as may be specified in regulations.

(4) Review of major changes in program design

(A) In general

The Secretary shall develop standards for identifying major changes in the operations of a State agency, including—

- (i) large or substantially-increased numbers of low-income households that do not live in reasonable proximity to an office performing the major functions described in subsection (e);
 - (ii) substantial increases in reliance on automated systems for the performance of responsibilities previously performed by personnel described in subsection (e)(6)(B);
 - (iii) changes that potentially increase the difficulty of reporting information under subsection (e) or section 2015(c) of this title; and
 - (iv) changes that may disproportionately increase the burdens on any of the types of households described in subsection (e)(2)(A).
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(B) Notification

If a State agency implements a major change in operations, the State agency shall—

- (i) notify the Secretary; and
- (ii) collect such information as the Secretary shall require to identify and correct any adverse effects on program integrity or access, including access by any of the types of households described in subsection (e)(2)(A).

(b) Correction of improper denials and underissuances

When a State agency learns, through its own reviews under section 2025 of this title or other reviews, or through other sources, that it has improperly denied, terminated, or underissued benefits to an eligible household, the State agency shall promptly restore any improperly denied benefits to the extent required by subsection (e)(11) and section 2023(b) of this title, and shall take other steps to prevent a recurrence of such errors where such error was caused by the application of State agency practices, rules or procedures inconsistent with the requirements of this chapter or with regulations or policies of the Secretary issued under the authority of this chapter.

(c) Civil rights compliance

(1) In general

In the certification of applicant households for the supplemental nutrition assistance program, there shall be no discrimination by reason of race, sex, religious creed, national origin, or political affiliation.

(2) Relation to other laws

The administration of the program by a State agency shall be consistent with the rights of households under the following laws (including implementing regulations):

- (A) The Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.).
- (B) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).
- (C) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).
- (D) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

(d) Plan of operation by State agency; approval by Secretary; Indians

The State agency (as defined in section 2012(s)(1) of this title) of each State desiring to participate in the supplemental nutrition assistance program shall submit for approval a plan of operation specifying the manner in which such program will be conducted within the State in every political subdivision. The Secretary may not, as a part of the approval process for a plan of operation, require a State to submit for prior approval by the Secretary the State agency instructions to staff, interpretations of existing policy, State agency methods of administration, forms used by the State agency, or any materials, documents, memoranda, bulletins, or other matter, unless the State determines that the materials, documents, memoranda, bulletins, or other matter alter or amend the State plan of operation or conflict with the rights and levels of benefits to which a household is entitled. In the case of all or part of an Indian reservation, the State agency as defined in section 2012(s)(1) of this title shall be responsible for conducting such program on such reservation unless the Secretary determines that the State agency (as defined in section 2012(s)(1) of this title) is failing, subsequent to August 31, 1964, properly to administer such program on such reservation in accordance with the purposes of this chapter and further determines that the State agency as defined in section 2012(s)(2) of this title is capable of effectively and efficiently conducting such program, in light of the distance of the reservation from State agency-operated certification and issuance centers, the previous experience of such tribal organization in the operation of programs authorized under the Indian Self-Determination Act (25 U.S.C. 450)^[1] and similar Acts of Congress, the tribal organization's management and fiscal capabilities, and the adequacy of measures taken by the tribal

organization to ensure that there shall be no discrimination in the operation of the program on the basis of race, color, sex, or national origin, in which event such State agency shall be responsible for conducting such program and submitting for approval a plan of operation specifying the manner in which such program will be conducted. The Secretary, upon the request of a tribal organization, shall provide the designees of such organization with appropriate training and technical assistance to enable them to qualify as expeditiously as possible as a State agency pursuant to section 2012(s)(2) of this title. A State agency, as defined in section 2012(s)(1) of this title, before it submits its plan of operation to the Secretary for the administration of the supplemental nutrition assistance program on all or part of an Indian reservation, shall consult in good faith with the tribal organization about that portion of the State's plan of operation pertaining to the implementation of the program for members of the tribe, and shall implement the program in a manner that is responsive to the needs of the Indians on the reservation as determined by ongoing consultation with the tribal organization.

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