



# Food Distribution National Policy Memorandum

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United States  
Department of  
Agriculture

Food and  
Nutrition  
Service

3101 Park  
Center Drive

Alexandria, VA  
22302-1500

**DATE:** April 9, 2008

**POLICY NO.:** FD-075: Food Distribution Program on Indian Reservations (FDPIR)

**SUBJECT:** Income Exclusion for Payments under Public Law 101-426, Radiation Exposure Compensation Act

This memorandum provides clarification regarding payments made to individuals under Public Law 101-426, the Radiation Exposure Compensation Act, as amended. Those payments shall not be counted as income or resources for the purpose of determining eligibility for participation in FDPIR.

A handwritten signature in cursive script, appearing to read "Rosalind Cleveland".

Handwritten initials "for" in cursive script.

Cathie McCullough  
Director  
Food Distribution Division

Attachments

**P.L. 101-426**  
**Radiation Exposure Compensation Act**  
**October 15, 1990**

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**SEC. 6. DETERMINATION AND PAYMENT OF CLAIMS.**

(h) CERTIFICATION OF TREATMENT OF PAYMENTS UNDER OTHER LAWS- Amounts paid to an individual under this section--

(1) shall be treated for purposes of the internal revenue laws of the United States as damages for human suffering; and

(2) shall not be included as income or resources for purposes of determining eligibility to receive benefits described in section 3803(c)(2)(C) of title 31, United States Code, or the amount of such benefits.

31 U.S.C 3803(c)(2)(C)

For purposes of this subsection, the term "benefits" means -

(i) benefits under the supplemental security income program under title XVI of the Social Security Act;

(ii) old age, survivors, and disability insurance benefits under title II of the Social Security Act;

(iii) benefits under title XVIII of the Social Security Act;

(iv) assistance under a State program funded under part A of title IV of the Social Security Act;

(v) medical assistance under a State plan approved under section 1902(a) of the Social Security Act;

(vi) benefits under title XX of the Social Security Act;

(vii) benefits under the food stamp program (as defined in section 3(h) of the Food Stamp Act of 1977);

(viii) benefits under chapters 11, 13, 15, 17, and 21 of title 38;

(ix) benefits under the Black Lung Benefits Act;

(x) benefits under the special supplemental nutrition program for women, infants, and children established under section 17 of the Child Nutrition Act of 1966;

(xi) benefits under section 336 of the Older Americans Act;

(xii) any annuity or other benefit under the Railroad Retirement Act of 1974;

(xiii) benefits under the Richard B. Russell National School Lunch Act;

(xiv) benefits under any housing assistance program for lower income families or elderly or handicapped persons which is administered by the Secretary of Housing and Urban Development or the Secretary of Agriculture;

(xv) benefits under the Low-Income Home Energy Assistance Act of 1981; and

(xvi) benefits under part A of the Energy Conservation in Existing Buildings Act of 1976, which are intended for the personal use of the individual who receives the benefits or for a member of the individual's family.