**SEC. 28.** ø**7 U.S.C. 2036a**¿ **NUTRITION EDUCATION AND OBESITY PREVENTION**

**GRANT PROGRAM.**

(a) DEFINITION OF ELIGIBLE INDIVIDUAL.—In this section, the

term ‘‘eligible individual’’ means an individual who is eligible to receive

benefits under a nutrition education and obesity prevention

program under this section as a result of being—

(1) an individual eligible for benefits under—

(A) this Act;

(B) sections 9(b)(1)(A) and 17(c)(4) of the Richard B

Russell National School Lunch Act (42 U.S.C.

1758(b)(1)(A), 1766(c)(4)); or

(C) section 4(e)(1)(A) of the Child Nutrition Act of 1966

(42 U.S.C. 1773(e)(1)(A));

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(2) an individual who resides in a community with a significant

low-income population, as determined by the Secretary;

or

(3) such other low-income individual as is determined to be

eligible by the Secretary.

(b) PROGRAMS.—Consistent with the terms and conditions of

grants awarded under this section, State agencies may implement

a nutrition education and obesity prevention program for eligible

individuals that promotes healthy food choices and physical activity

consistent with the most recent Dietary Guidelines for Americans

published under section 301 of the National Nutrition Monitoring

and Related Research Act of 1990 (7 U.S.C. 5341).

(c) DELIVERY OF NUTRITION EDUCATION AND OBESITY PREVENTION

SERVICES.—

(1) IN GENERAL.—State agencies may deliver nutrition education

and obesity prevention services under a program described

in subsection (b)—

(A) directly to eligible individuals; or

(B) through agreements with other State or local agencies

or community organizations.

(2) NUTRITION EDUCATION STATE PLANS.—

(A) IN GENERAL.—A State agency that elects to provide

nutrition education and obesity prevention services under

this subsection shall submit to the Secretary for approval

a nutrition education State plan.

(B) REQUIREMENTS.—A nutrition education State plan

shall—

(i) identify the uses of the funding for local

projects;

(ii) ensure that the interventions are appropriate

for eligible individuals who are members of low-income

populations by recognizing the constrained resources,

and the potential eligibility for Federal food assistance

programs, of members of those populations;

(iii) describe how the State agency shall use an

electronic reporting system to—

(I) measure and evaluate the projects; and

(II) account for the allowable State agency administrative

costs including for—

(aa) salaries and benefits of State agency

personnel;

(bb) office supplies and equipment;

(cc) travel costs;

(dd) development and production of nutrition

education materials;

(ee) memberships, subscriptions, and professional

activities;

(ff) lease or rental costs;

(gg) maintenance and repair expenses;

(hh) indirect costs; and

(ii) cost of using publicly-owned building

space; and

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(iv) conform to standards established by the Secretary

through regulations, guidance, or grant award

documents.

(3) USE OF FUNDS.—

(A) IN GENERAL.—A State agency may use funds provided

under this section for any evidence-based allowable

use of funds identified by the Administrator of the Food

and Nutrition Service of the Department of Agriculture in

consultation with the Director of the Centers for Disease

Control and Prevention of the Department of Health and

Human Services, including—

(i) individual and group-based nutrition education,

health promotion, and intervention strategies;

(ii) comprehensive, multilevel interventions at

multiple complementary organizational and institutional

levels; and

(iii) community and public health approaches to

improve nutrition.

(B) CONSULTATION.—In identifying allowable uses of

funds under subparagraph (A) and in seeking to strengthen

delivery, oversight, and evaluation of nutrition education,

the Administrator of the Food and Nutrition Service

shall consult with the Director of the Centers for Disease

Control and Prevention, the Director of the National

Institute of Food and Agriculture, and outside stakeholders

and experts, including—

(i) representatives of the academic and research

communities;

(ii) nutrition education practitioners;

(iii) representatives of State and local governments;

and

(iv) community organizations that serve low-income

populations.

(4) NOTIFICATION.—To the maximum extent practicable,

State agencies shall notify applicants, participants, and eligible

individuals under this Act of the availability of nutrition education

and obesity prevention services under this section in

local communities.

(5) COORDINATION.—Subject to the approval of the Secretary,

projects carried out with funds received under this section

may be coordinated with the expanded food and nutrition

education program or other health promotion or nutrition improvement

strategies, whether public or privately funded, if

the projects carried out with funds received under this section

remain under the administrative control of the State agency.

(6) INFORMATION CLEARINGHOUSE.—The Secretary shall establish

an online clearinghouse that makes available to State

agencies, local agencies, institutions of higher education, and

community organizations best practices for planning, implementing,

and evaluating nutrition education and obesity prevention

services to ensure that projects carried out with funds

received under this section are appropriate for the target population.

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(7) TECHNICAL ASSISTANCE.—The Secretary shall provide

technical assistance to a State agency in developing and implementing

a nutrition education State plan, including—

(A) by identifying common challenges faced by entities

described in paragraph (6) that participate in projects carried

out with funds received under this section;

(B) by coordinating efforts to address those common

challenges;

(C) by collecting and disseminating information on evidence-

based practices relating to nutrition education and

obesity prevention;

(D) by facilitating communication between and among

grantees and subgrantees of funds received under this section;

(E) by assisting State agencies in creating or maintaining

systems to compile program data; and

(F) by performing or assisting with other activities, as

determined by the Secretary.

(8) ANNUAL STATE REPORT.—Each State agency that delivers

nutrition education and obesity prevention services under

this subsection shall submit to the Secretary an annual report,

which shall be made publicly available by the Secretary, that

includes—

(A) the use of funds on the State agency’s program, including

for each category of allowable State agency administrative

costs identified in paragraph (2)(B)(iii)(II);

(B) a description of each project carried out by that

agency under this subsection, including, with respect to

the project, the target population, interventions, educational

materials used, key performance indicators used,

and evaluations made;

(C) a comprehensive analysis of the impacts and outcomes—

(i) of the project, including with respect to the elements

described in subparagraph (A); and

(ii) to the extent practicable, of completed

multiyear projects; and

(D) the status of any ongoing multiyear project.

(9) ANNUAL FEDERAL REPORT.—The Administrator of the

Food and Nutrition Service, in consultation with the Director

of the National Institute of Food and Agriculture, shall annually

submit to the Committee on Agriculture of the House of

Representatives and the Committee on Agriculture, Nutrition,

and Forestry of the Senate a report that—

(A) evaluates the level of coordination between—

(i) the nutrition education and obesity prevention

grant program under this section;

(ii) the expanded food and nutrition education program

under section 1425 of the National Agricultural

Research, Extension, and Teaching Policy Act of 1977

(7 U.S.C. 3175); and

(iii) any other nutrition education program administered

by the Department of Agriculture; and

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(B) includes the use of funds on such programs including

State agency administrative costs reported by States

under paragraph (8)(A).

(d) FUNDING.—

(1) IN GENERAL.—Of funds made available each fiscal year

under section 18(a)(1), the Secretary shall reserve for allocation

to State agencies to carry out the nutrition education and

obesity prevention grant program under this section, to remain

available for obligation for a period of 2 fiscal years—

(A) for fiscal year 2011, $375,000,000;

(B) for fiscal year 2012, $388,000,000;

(C) for fiscal year 2013, $285,000,000;

(D) for fiscal year 2014, $401,000,000;

(E) for fiscal year 2015, $407,000,000; and

(F) for fiscal year 2016 and each subsequent fiscal

year, the applicable amount during the preceding fiscal

year, as adjusted to reflect any increases for the 12-month

period ending 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.

(2) ALLOCATION.—

(A) INITIAL ALLOCATION.—Of the funds set aside under

paragraph (1), as determined by the Secretary—

(i) for each of fiscal years 2011 through 2013, 100

percent shall be allocated to State agencies in direct

proportion to the amount of funding that the State received

for carrying out section 11(f) (as that section existed

on the day before the date of enactment of this

section) during fiscal year 2009, as reported to the

Secretary as of February 2010; and

(ii) subject to a reallocation under subparagraph

(B)—

(I) for fiscal year 2014—

(aa) 90 percent shall be allocated to State

agencies in accordance with clause (i); and

(bb) 10 percent shall be allocated to State

agencies based on the respective share of each

State of the number of individuals participating

in the supplemental nutrition assistance

program during the 12-month period

ending the preceding January 31;

(II) for fiscal year 2015—

(aa) 80 percent shall be allocated to State

agencies in accordance with clause (i); and

(bb) 20 percent shall be allocated in accordance

with subclause (I)(bb);

(III) for fiscal year 2016—

(aa) 70 percent shall be allocated to State

agencies in accordance with clause (i); and

(bb) 30 percent shall be allocated in accordance

with subclause (I)(bb);

(IV) for fiscal year 2017—

(aa) 60 percent shall be allocated to State

agencies in accordance with clause (i); and

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(bb) 40 percent shall be allocated in accordance

with subclause (I)(bb); and

(V) for fiscal year 2018 and each fiscal year

thereafter—

(aa) 50 percent shall be allocated to State

agencies in accordance with clause (i); and

(bb) 50 percent shall be allocated in accordance

with subclause (I)(bb).

(B) REALLOCATION.—

(i) IN GENERAL.—If the Secretary determines that

a State agency will not expend all of the funds allocated

to the State agency for a fiscal year under paragraph

(1) or in the case of a State agency that elects

not to receive the entire amount of funds allocated to

the State agency for a fiscal year, the Secretary shall

reallocate the unexpended funds to other States during

the fiscal year or the subsequent fiscal year (as determined

by the Secretary) that have approved State

plans under which the State agencies may expend the

reallocated funds.

(ii) EFFECT OF ADDITIONAL FUNDS.—

(I) FUNDS RECEIVED.—Any reallocated funds

received by a State agency under clause (i) for a

fiscal year shall be considered to be part of the fiscal

year 2009 base allocation of funds to the State

agency for that fiscal year for purposes of determining

allocation under subparagraph (A) for the

subsequent fiscal year.

(II) FUNDS SURRENDERED.—Any funds surrendered

by a State agency under clause (i) shall not

be considered to be part of the fiscal year 2009

base allocation of funds to a State agency for that

fiscal year for purposes of determining allocation

under subparagraph (A) for the subsequent fiscal

year.

(3) LIMITATION ON FEDERAL FINANCIAL PARTICIPATION.—

(A) IN GENERAL.—Grants awarded under this section

shall be the only source of Federal financial participation

under this Act in nutrition education and obesity prevention.

(B) EXCLUSION.—Any costs of nutrition education and

obesity prevention in excess of the grants authorized under

this section shall not be eligible for reimbursement under

section 16(a).

(e) IMPLEMENTATION.—Not later than January 1, 2012, the

Secretary shall publish in the Federal Register a description of the

requirements for the receipt of a grant under this section.

**SEC. 29.** ø**7 U.S.C. 2036b**¿ **RETAIL FOOD STORE AND RECIPIENT TRAFFICKING.**

(a) PURPOSE.—The purpose of this section is to provide the Department

of Agriculture with additional resources to prevent trafficking

in violation of this Act by strengthening recipient and retail

food store program integrity.

(b) USE OF FUNDS.—

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(1) IN GENERAL.—Additional funds are provided under this

section to supplement the retail food store and recipient integrity

activities of the Department.

(2) INFORMATION TECHNOLOGIES.—The Secretary shall use

an appropriate amount of the funds provided under this section

to employ information technologies known as data mining and

data warehousing and other available information technologies

to administer the supplemental nutrition assistance program

and enforce regulations promulgated under section 4(c).

(c) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized

to be appropriated to carry out this section $5,000,000 for

each of fiscal years 2014 through 2023.

(2) MANDATORY FUNDING.—

(A) IN GENERAL.—Out of any funds in the Treasury

not otherwise appropriated, the Secretary of the Treasury

shall transfer to the Secretary to carry out this section not

less than $15,000,000 for fiscal year 2014, to remain available

until expended.

(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be

entitled to receive, shall accept, and shall use to carry out

this section the funds transferred under subparagraph (A),

without further appropriation.

(C) MAINTENANCE OF FUNDING.—The funding provided

under subparagraph (A) shall supplement (and not supplant)

other Federal funding for programs carried out

under this Act.

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