

L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

#### AMENDMENTS

2008—Subsec. (b). Pub. L. 110-246, § 7511(c)(10)(A), substituted “National Institute of Food and Agriculture” for “Cooperative State Research, Education, and Extension Service”.

Subsec. (d). Pub. L. 110-246, § 7115, substituted “2012” for “2007”.

2002—Subsec. (d). Pub. L. 107-171 substituted “2007” for “2002”.

1998—Subsec. (d). Pub. L. 105-185 substituted “each of fiscal years 1997 through 2002” for “fiscal year 1997”.

#### 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 section 7511(c)(10)(A) of Pub. L. 110-246 effective Oct. 1, 2009, see section 7511(c) of Pub. L. 110-246, set out as a note under section 1522 of this title.

### § 3175. Nutrition education program

#### (a) Definition of 1862 Institution and 1890 Institution

In this section, the terms “1862 Institution” and “1890 Institution” have the meaning given those terms in section 7601 of this title.

#### (b) Establishment

The Secretary shall establish a national education program which shall include, but not be limited to, the dissemination of the results of food and human nutrition research performed or funded by the Department of Agriculture.

#### (c) Employment and training

To enable low-income individuals and families to engage in nutritionally sound food purchasing and preparation practices, the expanded food and nutrition education program presently conducted under section 343(d) of this title, shall provide for the employment and training of professional and paraprofessional aides to engage in direct nutrition education of low-income families and in other appropriate nutrition education programs. To the maximum extent practicable, program aides shall be hired from the indigenous target population.

#### (d) Allocation of funding

Beginning with the fiscal year ending September 30, 1982—

(1) Any funds annually appropriated under section 343(d) of this title, for the conduct of the expanded food and nutrition education program, up to the amount appropriated under such section for such program for the fiscal year ending September 30, 1981, shall be allocated to each State in the same proportion as funds appropriated under such section for the conduct of the program for the fiscal year ending September 30, 1981, are allocated among the States; with the exception that the Secretary may retain up to 2 per centum of such amount for the conduct of such program in States that did not participate in such program in the fiscal year ending September 30, 1981.

(2) Any funds appropriated annually under section 343(d) of this title, for the conduct of the expanded food and nutrition education program in excess of the amount appropriated under such section for the conduct of the program for the fiscal year ending September 30, 1981, shall be allocated as follows:

(A) 4 per centum shall be available to the Secretary for administrative, technical, and other services necessary for the administration of the program.

(B) Notwithstanding section 343(d) of this title, the remainder shall be allocated among the States as follows:

(i) \$100,000 shall be distributed to each 1862 Institution and 1890 Institution.

(ii) Subject to clause (iii), the remainder shall be allocated to each State in an amount that bears the same ratio to the total amount to be allocated under this clause as—

(I) the population living at or below 125 percent of the income poverty guidelines (as prescribed by the Office of Management and Budget and as adjusted pursuant to section 9902(2) of title 42) in the State; bears to

(II) the total population living at or below 125 percent of those income poverty guidelines in all States;

as determined by the most recent decennial census at the time at which each such additional amount is first appropriated.

(iii)(I) Before any allocation of funds under clause (ii), for any fiscal year for which the amount of funds appropriated for the conduct of the expanded food and nutrition education program exceeds the amount of funds appropriated for the program for fiscal year 2007, the following percentage of such excess funds for the fiscal year shall be allocated to the 1890 Institutions in accordance with subclause (II):

(aa) 10 percent for fiscal year 2009.

(bb) 11 percent for fiscal year 2010.

(cc) 12 percent for fiscal year 2011.

(dd) 13 percent for fiscal year 2012.

(ee) 14 percent for fiscal year 2013.

(ff) 15 percent for fiscal year 2014 and for each fiscal year thereafter.

(II) Funds made available under subclause (I) shall be allocated to each 1890 Institution in an amount that bears the same ratio to the total amount to be allocated under this clause as—

(aa) the population living at or below 125 percent of the income poverty guidelines (as prescribed by the Office of Management and Budget and as adjusted pursuant to section 9902(2) of title 42) in the State in which the 1890 Institution is located; bears to

(bb) the total population living at or below 125 percent of those income poverty guidelines in all States in which 1890 Institutions are located;

as determined by the most recent decennial census at the time at which each such additional amount is first appropriated.

(iv) Nothing in this subparagraph precludes the Secretary from developing edu-

cational materials and programs for persons in income ranges above the level designated in this subparagraph.

**(e) Complementary administration**

The Secretary shall ensure the complementary administration of the expanded food and nutrition education program by 1862 Institutions and 1890 Institutions in a State.

**(f) Authorization of appropriations**

There is authorized to be appropriated to carry out the expanded food and nutrition education program established under section 343(d) of this title and this section \$90,000,000 for each of fiscal years 2009 through 2012.

(Pub. L. 95–113, title XIV, §1425, Sept. 29, 1977, 91 Stat. 1000; Pub. L. 97–98, title XIV, §1423, Dec. 22, 1981, 95 Stat. 1307; Pub. L. 101–624, title XVII, §1776(b), Nov. 28, 1990, 104 Stat. 3814; Pub. L. 104–127, title VIII, §809, Apr. 4, 1996, 110 Stat. 1164; Pub. L. 105–185, title III, §301(a)(6), June 23, 1998, 112 Stat. 562; Pub. L. 107–171, title VII, §7106, May 13, 2002, 116 Stat. 432; Pub. L. 110–234, title VII, §7116(a), May 22, 2008, 122 Stat. 1220; Pub. L. 110–246, §4(a), title VII, §7116(a), June 18, 2008, 122 Stat. 1664, 1981.)

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.

AMENDMENTS

2008—Pub. L. 110–246, §7116(a)(2), reenacted section catchline without change.

Subsecs. (a) to (d). Pub. L. 110–246, §7116(a)(1)–(5)(A), added subsec. (a), redesignated former subsecs. (a) to (c) as (b) to (d), respectively, inserted headings, and in subsec. (c) substituted “To enable” for “In order to enable”.

Subsec. (d)(2)(B). Pub. L. 110–246, §7116(a)(5)(B), added subpar. (B) and struck out former subpar. (B) which related to allocation of funds other than for administrative or technical purposes, 10 percent of which was to be distributed equally among all States, and the remainder was to be allocated to each State in an amount bearing the same ratio to the total amount to be allocated as the population of the State living at or below 125 percent of income poverty guidelines bore to the total population of all the States living at or below 125 percent of such guidelines.

Subsec. (d)(3). Pub. L. 110–246, §7116(a)(5)(C), struck out par. (3) which read as follows: “There is authorized to be appropriated to carry out the expanded food and nutrition education program established under section 343(d) of this title and this section, \$83,000,000 for each of fiscal years 1996 through 2007.”

Subsecs. (e), (f). Pub. L. 110–246, §7116(a)(6), added subsecs. (e) and (f).

2002—Subsec. (c)(3). Pub. L. 107–171 substituted “2007” for “2002”.

1998—Subsec. (c)(3). Pub. L. 105–185 substituted “through 2002” for “and 1997”.

1996—Subsec. (c)(3). Pub. L. 104–127 substituted “, \$83,000,000 for each of fiscal years 1996 and 1997” for “\$63,000,000 for fiscal year 1991, \$68,000,000 for fiscal year 1992, \$73,000,000 for fiscal year 1993, \$78,000,000 for fiscal year 1994, and \$83,000,000 for fiscal year 1995”.

1990—Subsec. (c)(3). Pub. L. 101–624 added par. (3).

1981—Subsec. (b). Pub. L. 97–98 substantially retained existing provisions of the subsection relating to expanded food and nutrition education programs and transferred remaining provisions relating to allocation of funds to States and the authority of the Secretary to

develop educational materials and programs for persons in certain income ranges to a new subsec. (c).

Subsec. (c). Pub. L. 97–98 added subsec. (c), and included therein provisions relating to allocation of funds to States and the authority of the Secretary to develop educational materials and programs for persons in certain income ranges formerly contained in subsec. (b).

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.

Pub. L. 110–234, title VII, §7116(c), May 22, 2008, 122 Stat. 1221, and Pub. L. 110–246, §4(a), title VII, §7116(c), June 18, 2008, 122 Stat. 1664, 1982, provided that: “The amendments made by this section [amending this section and section 3175e of this title] take effect on October 1, 2008.”

[Pub. L. 110–234 and Pub. L. 110–246 enacted identical provisions. Pub. L. 110–234 was repealed by section 4(a) of Pub. L. 110–246, set out as a note under section 8701 of this title.]

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–624 effective Oct. 1, 1990, see section 1781(b)(1) of Pub. L. 101–624, set out as a note under section 2012 of this title.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97–98, set out as an Effective Date note under section 4301 of this title.

**§ 3175a. Nutrition and consumer education; Congressional findings**

Congress finds that individuals in households eligible to participate in programs under the Food Stamp Act of 1977 [7 U.S.C. 2011 et seq.] and other low-income individuals, including those residing in rural areas, should have greater access to nutrition and consumer education to enable them to use their food budgets, including food assistance, effectively and to select and prepare foods that satisfy their nutritional needs and improve their diets.

(Pub. L. 99–198, title XV, §1584, Dec. 23, 1985, 99 Stat. 1596.)

REFERENCES IN TEXT

The Food Stamp Act of 1977, referred to in text, subsequently renamed the Food and Nutrition Act of 2008, is Pub. L. 88–525, Aug. 31, 1964, 78 Stat. 703, which is classified generally to chapter 51 (§2011 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of this title and Tables.

CODIFICATION

Section was enacted as part of the Food Security Act of 1985, and not as part of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 which comprises this chapter.

**§ 3175b. Expansion of effective food, nutrition, and consumer education services**

The purpose of the program provided for under sections 3175a through 3175e of this title is to expand effective food, nutrition, and consumer education services to the greatest practicable number of low-income individuals, including