

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 sections 4001(b), 4002(a)(12), and 4115(b)(16) of Pub. L. 110-246 effective Oct. 1, 2008, see section 4407 of Pub. L. 110-246, set out as a note under section 1161 of Title 2, The Congress.

§ 2036. Availability of commodities for emergency food assistance program

(a) Purchase of commodities

(1) In general

From amounts made available to carry out this chapter, for each of the fiscal years 2014 through 2023, the Secretary shall purchase a dollar amount described in paragraph (2) of a variety of nutritious and useful commodities of the types that the Secretary has the authority to acquire through the Commodity Credit Corporation or under section 612c of this title and distribute the commodities to States for distribution in accordance with section 7515 of this title.

(2) Amounts

The Secretary shall use to carry out paragraph (1)—

(A) for fiscal year 2008, \$190,000,000;

(B) for fiscal year 2009, \$250,000,000;

(C) for each of fiscal years 2010 through 2023, the dollar amount of commodities specified in subparagraph (B) adjusted by the percentage by which the thrifty food plan has been adjusted under section 2012(u)(4) of this title between June 30, 2008, and June 30 of the immediately preceding fiscal year;

(D) for each of fiscal years 2015 through 2023, the sum obtained by adding the total dollar amount of commodities specified in subparagraph (C) and—

(i) for fiscal year 2015, \$50,000,000;

(ii) for fiscal year 2016, \$40,000,000;

(iii) for fiscal year 2017, \$20,000,000;

(iv) for fiscal year 2018, \$15,000,000;

(v) for fiscal year 2019, \$23,000,000;

(vi) for fiscal year 2020, \$35,000,000;

(vii) for fiscal year 2021, \$35,000,000;

(viii) for fiscal year 2022, \$35,000,000; and

(ix) for fiscal year 2023, \$35,000,000; and

(E) for fiscal year 2024 and each subsequent fiscal year, the total dollar amount of commodities specified in subparagraph (D)(ix) adjusted by the percentage by which the thrifty food plan has been adjusted under section 2012(u)(4) of this title to reflect changes between June 30, 2023, and June 30 of the immediately preceding fiscal year.

(3) Funds availability

For purposes of the funds described in this subsection, the Secretary shall—

(A) make the funds available for 2 fiscal years; and

(B) allow States to carry over unexpended balances to the next fiscal year pursuant to such terms and conditions as are determined by the Secretary.

(b) Basis for commodity purchases

In purchasing commodities under subsection (a), the Secretary shall, to the extent practicable and appropriate, make purchases based on—

(1) agricultural market conditions;

(2) preferences and needs of States and distributing agencies; and

(3) preferences of recipients.

(Pub. L. 88-525, §27, as added Pub. L. 104-193, title VIII, §871(g), Aug. 22, 1996, 110 Stat. 2346; amended Pub. L. 107-171, title IV, §4126(a), May 13, 2002, 116 Stat. 328; Pub. L. 110-234, title IV, §4201(a), May 22, 2008, 122 Stat. 1120; Pub. L. 110-246, §4(a), title IV, §4201(a), June 18, 2008, 122 Stat. 1664, 1882; Pub. L. 113-79, title IV, §§4027(a), 4030(m), Feb. 7, 2014, 128 Stat. 812, 814; Pub. L. 115-334, title IV, §4018(e), Dec. 20, 2018, 132 Stat. 4650.)

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

2018—Subsec. (a)(1), (2)(C). Pub. L. 115-334, §4018(e)(1), (2)(A), substituted “2023” for “2018”.

Subsec. (a)(2)(D). Pub. L. 115-334, §4018(e)(2)(B)(i), substituted “2023” for “2018” in introductory provisions.

Subsec. (a)(2)(D)(v) to (ix). Pub. L. 115-334, §4018(e)(2)(B)(ii), added cls. (v) to (ix).

Subsec. (a)(2)(E). Pub. L. 115-334, §4018(e)(2)(C), substituted “2024” for “2019”, “subparagraph (D)(ix)” for “subparagraph (D)(iv)”, and “June 30, 2023” for “June 30, 2017”.

2014—Subsec. (a)(1). Pub. L. 113-79, §4030(m), made technical amendment to reference in original act which appears in text as reference to section 7515 of this title.

Pub. L. 113-79, §4027(a)(1), substituted “2014 through 2018” for “2008 through 2012”.

Subsec. (a)(2)(C). Pub. L. 113-79, §4027(a)(2)(B)(i), substituted “2018” for “2012”.

Subsec. (a)(2)(D), (E). Pub. L. 113-79, §4027(a)(2)(A), (B)(ii), (C), added subpars. (D) and (E).

Subsec. (a)(3). Pub. L. 113-79, §4027(a)(3), added par. (3).

2008—Subsec. (a). Pub. L. 110-246, §4201(a), reenacted subsec. heading without change, designated existing provisions as par. (1), inserted par. heading, substituted “for each of the fiscal years 2008 through 2012, the Secretary shall purchase a dollar amount described in paragraph (2)” for “for each of fiscal years 2002 through 2007, the Secretary shall purchase \$140,000,000”, and added par. (2).

2002—Subsec. (a). Pub. L. 107-171 substituted “2002 through 2007” for “1997 through 2002” and “\$140,000,000” for “\$100,000,000”.

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 4201(a) of Pub. L. 110-246 effective Oct. 1, 2008, see section 4407 of Pub. L. 110-246, set out as a note under section 1161 of Title 2, The Congress.

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-171, title IV, §4126(b), May 13, 2002, 116 Stat. 328, provided that: “The amendments made by this section amending this section] take effect on October 1, 2001.”

§ 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 chapter;
 - (B) sections 1758(b)(1)(A) and 1766(c)(4) of title 42; or
 - (C) section 1773(e)(1)(A) of title 42;
- (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 5341 of this title.

(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

(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 chapter 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.