

(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

(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 chapter 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 2025(a) of this title.

### **(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.

(Pub. L. 88-525, §28, as added Pub. L. 111-296, title II, §241(a), Dec. 13, 2010, 124 Stat. 3232; amended Pub. L. 112-240, title VII, §701(d)(2), Jan. 2, 2013, 126 Stat. 2363; Pub. L. 113-79, title IV, §4028, Feb. 7, 2014, 128 Stat. 813; Pub. L. 115-334, title IV, §4019, Dec. 20, 2018, 132 Stat. 4650.)

#### AMENDMENTS

2018—Subsec. (c)(2)(B). Pub. L. 115-334, §4019(1)(A)(i), substituted “A” for “Except as provided in subparagraph (C), a” in introductory provisions.

Subsec. (c)(2)(B)(iii), (iv). Pub. L. 115-334, §4019(1)(A)(ii)-(iv), added cl. (iii) and redesignated former cl. (iii) as (iv).

Subsec. (c)(2)(C). Pub. L. 115-334, §4019(1)(B), struck out subpar. (C). Text read as follows: “During each of fiscal years 2011 and 2012, a nutrition education State plan under this section shall be consistent with the requirements of section 2020(f) of this title (as that section, other than paragraph (3)(C), existed on the day before December 13, 2010).”

Subsec. (c)(3)(B). Pub. L. 115-334, §4019(2), inserted “, the Director of the National Institute of Food and Agriculture,” before “and outside stakeholders” in introductory provisions.

Subsec. (c)(5). Pub. L. 115-334, §4019(3), inserted “the expanded food and nutrition education program or” before “other health promotion”.

Subsec. (c)(6) to (9). Pub. L. 115-334, §4019(4), added pars. (6) to (9).

2014—Subsec. (b). Pub. L. 113-79 inserted “and physical activity” after “healthy food choices”.

Subsec. (d)(1)(B) to (F). Pub. L. 112-240 added subpars. (B) to (F) and struck out former subpar. (B) which read as follows: “for fiscal year 2012 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.”

#### EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 112-240 effective Sept. 30, 2012, see section 701(j) of Pub. L. 112-240, set out in a 1-Year Extension of Agricultural Programs note under section 8701 of this title.

#### EFFECTIVE DATE

Section effective Oct. 1, 2010, except as otherwise specifically provided, see section 445 of Pub. L. 111-296, set out as a Effective Date of 2010 Amendment note under section 1751 of Title 42, The Public Health and Welfare.

### **§ 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 chapter by strengthening recipient and retail food store program integrity.

#### **(b) Use of funds**

##### **(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 2013(c) of this title.

**(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 chapter.

(Pub. L. 88-525, § 29, as added Pub. L. 113-79, title IV, § 4029, Feb. 7, 2014, 128 Stat. 813; amended Pub. L. 115-334, title IV, § 4020, Dec. 20, 2018, 132 Stat. 4652.)

## AMENDMENTS

2018—Subsec. (c)(1). Pub. L. 115-334 substituted “2023” for “2018”.

**§ 2036c. Annual State report on verification of SNAP participation****(a) Annual report**

Not later than 1 year after the date specified by the Secretary during the 180-day period beginning on February 7, 2014, and annually thereafter, each State agency that carries out the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) shall submit to the Secretary a report containing sufficient information for the Secretary to determine whether the State agency has, for the most recently concluded fiscal year preceding that annual date, verified that the State agency in that fiscal year—

- (1) did not issue benefits to a deceased individual; and
- (2) did not issue benefits to an individual who had been permanently disqualified from receiving benefits.

**(b) Penalty for noncompliance**

For any fiscal year for which a State agency fails to comply with subsection (a), the Secretary shall impose a penalty that includes a re-

duction of up to 50 percent of the amount that would be otherwise payable to the State agency under section 16(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(a)) with respect to that fiscal year.

**(c) Report of pilot program to test prevention of duplicate participation**

Not later than 90 days after the completion in multiple States of a temporary pilot program to test the detection and prevention of duplicate participation by beneficiaries of the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report assessing the feasibility, effectiveness, and cost for the expansion of the pilot program nationwide.

(Pub. L. 113-79, title IV, § 4032, Feb. 7, 2014, 128 Stat. 817.)

## REFERENCES IN TEXT

The Food and Nutrition Act of 2008, referred to in subsecs. (a) and (c), is Pub. L. 88-525, Aug. 31, 1964, 78 Stat. 703, which is classified generally to this chapter. 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 Agricultural Act of 2014, and not as part of the Food and Nutrition Act of 2008 which comprises this chapter.

## DEFINITION OF “SECRETARY”

“Secretary” means the Secretary of Agriculture, see section 9001 of this title.

**§ 2036d. Pilot projects to encourage the use of public-private partnerships committed to addressing food insecurity****(a) In general**

The Secretary may, on application of eligible entities, approve not more than 10 pilot projects to support public-private partnerships that address food insecurity and poverty.

**(b) Definitions**

For purposes of this section—

- (1) the term “eligible entity” means—
  - (A) a nonprofit organization;
  - (B) a community-based organization;
  - (C) an institution of higher education; or
  - (D) a private entity, as determined by the Secretary; and
- (2) the term “public agency” means a department, agency, other unit, or instrumentality of Federal, State, or local government.

**(c) Project requirements**

Projects approved under this section shall—

- (1) be limited to 2 years in length; and
- (2) include a collaboration between one or more public agencies and one or more eligible entities that—
  - (A) improves the effectiveness and impact of the supplemental nutrition assistance program;
  - (B) develops food security solutions that are specific to the needs of a community or region; and