

# Rules and Regulations

Federal Register

Vol. 81, No. 62

Thursday, March 31, 2016

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## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

#### 7 CFR Part 246

RIN 0584-AE21

#### Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Implementation of Electronic Benefit Transfer-Related Provisions

##### Correction

In rule document 2016-04261 beginning on page 10433 in the issue of Tuesday, March 1, make the following correction:

##### § 246.12 [Corrected]

On page 10450, in the second column, in § 246.12(y)(3), in the second line, “May 31, 2016” should read “August 1, 2016”.

[FR Doc. C1-2016-04261 Filed 3-30-16; 8:45 am]

BILLING CODE 1505-01-D

## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

#### 7 CFR Part 272

[FNS 2011-0017]

RIN 0584-AE07

#### Supplemental Nutrition Assistance Program: Nutrition Education and Obesity Prevention Grant Program

**AGENCY:** Food and Nutrition Service (FNS), USDA.

**ACTION:** Final rule.

**SUMMARY:** This rule adopts the interim rule implementing the Supplemental Nutrition Assistance Program (SNAP) nutrition education and obesity prevention grant program with changes as provided in this rule. This rule also

amends SNAP regulations to implement section 28 of the Food and Nutrition Act (FNA) of 2008, as added by section 241 of the Healthy, Hunger-Free Kids Act (HHFKA) of 2010, to award grants to States for provision of nutrition education and obesity prevention programs. These programs provide services for eligible individuals that promote healthy food choices consistent with the current Dietary Guidelines for Americans (DGAs). The rule provides State agencies with requirements for implementing section 28, including the grant award process and describes the process for allocating the Federal grant funding for each State’s approved SNAP-Ed plan authorized under the FNA to carry out nutrition education and obesity prevention services each fiscal year. This final rule also implements section 4028 of the Agricultural Act of 2014 (Farm Bill of 2014), which authorizes physical activity promotion in addition to promotion of healthy food choices as part of this nutrition education and obesity prevention program.

**DATES:** This rule is effective March 31, 2016.

**FOR FURTHER INFORMATION CONTACT:** Jane Duffield, Chief, State Administration Branch, Program Accountability and Administration Division, Supplemental Nutrition Assistance Program, USDA, 3101 Park Center Drive, Alexandria, VA 22302, [Jane.Duffield@fns.usda.gov](mailto:Jane.Duffield@fns.usda.gov), (703) 605-4385.

##### SUPPLEMENTARY INFORMATION:

##### I. Executive Summary

##### A. Purpose of the Regulatory Action

The HHFKA removed the existing nutrition education program under section 11(f) of the FNA (7 U.S.C. 2011 *et seq.*), commonly known as SNAP Education (SNAP-Ed), and added in its place section 28, the nutrition education and obesity prevention grant program. This rule implements the new program, which the Food and Nutrition Service (FNS) continues to refer to as SNAP-Ed, and seeks to improve its operation and effectiveness to make the program easier for States to administer while improving the health of the low-income population.

The implementation of this program provides a focus on the critical problem of obesity and allows coordinated services to be provided to participants

in Federal assistance programs and other low-income persons. This action broadens collaboration efforts and relationships in order to provide more flexibility to include a wider range of evidence-based intervention strategies.

The interim rule published at 78 FR 20411 (April 5, 2013) is adopted as a final rule with changes as provided in this rule.

##### B. Summary of the Major Provisions of the Regulatory Action in Question

##### Target Population

The FNA defines individuals eligible for SNAP-Ed as those who receive SNAP or National School Lunch/School Breakfast Program free or reduced price benefits, individuals residing in a community with a significant low-income population, and other low-income individuals as defined by the Secretary. FNS decided to include low-income individuals eligible to receive benefits under SNAP or other means-tested Federal assistance programs such as Medicaid or Temporary Assistance for Needy Families (TANF), etc., in this definition to ease administrative burden on States. This definition more closely aligns SNAP-Ed with other FNS, Federal and State-administered benefit programs.

##### Nutrition Education State Plans

This rule requires States to submit a Nutrition Education State Plan (SNAP-Ed Plan) in order to receive a SNAP-Ed grant, essentially the same procedure as before. FNS decided to strengthen SNAP-Ed Plan requirements to better assure that the Plans adequately address HHFKA requirements and public comment. The Plans must: (1) Present valid and data driven needs assessments of the nutrition, physical activity, and obesity prevention needs of the target population; (2) identify the use of funding for evidence-based State or local projects that meet those needs; (3) ensure that interventions are comprehensive in scope and appropriate for the eligible low-income population and communities; (4) recognize the population’s constrained resources and potential eligibility for Federal nutrition assistance; and (5) demonstrate and follow evidence-based strategies for effective nutrition education and obesity prevention. The rule allows States to propose