



Food and
Nutrition
Service

Park Office
Center

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DATE: June 30, 2017

POLICY NO: FD-036: The Emergency Food Assistance Program (TEFAP)

SUBJECT: TEFAP – Local-Level Record Keeping Requirements (Revised)

The purpose of this memorandum is to clarify the Federal requirements for record keeping and reporting in The Emergency Food Assistance Program (TEFAP). Record keeping should provide Federal and State program reviewers with the opportunity to assess whether or not the State or local agency is compliant with Federal program requirements for TEFAP.

TEFAP foods can be used in two ways. They can be given to participants who then take them home for use by their families (household distribution) or they can be used in the preparation of meals that are served at a meal site (prepared meals). For example, a soup kitchen might use TEFAP foods in the meals it cooks and serves to participants.

GUIDANCE FOR ELIGIBLE RECIPIENT AGENCIES THAT CONDUCT HOUSEHOLD DISTRIBUTION

Eligibility for Household Distribution:

Household eligibility information must be gathered for household distribution. Program regulations require that the State agency establish "income-based standards and the methods by which households may demonstrate eligibility under such standards. . ." [7 CFR 251.5(b)(2)], and that households "reside in the geographic location served by the State agency at the time of applying. . ." [7 CFR 251.5(b)(3)]. State agencies cannot require households to have lived in the area for any period of time before they apply for TEFAP. Program regulations also require that the distribution site collect "the name of the household member receiving commodities, the address of the household (to the extent practicable), the number of persons in the household, and the basis for determining that the household is eligible. . ." [7 CFR 251.10(a)(3)]. Homeless persons, or people who have just arrived in the area, may not be able to provide an address.

- **Frequency of Eligibility Determination:** Household eligibility should be confirmed at each distribution. However, Federal regulations do not require States to collect new eligibility forms for households that qualify to receive TEFAP Foods on an ongoing basis (e.g. monthly) if the household's information remains the same at the next distribution. States can institute a process whereby participants are asked to attest that their household is still eligible to receive TEFAP when they pick up food at future distributions. Alternatively, a State can have a policy whereby a household is assumed to be eligible at future distributions, but notify the household that it is required to report changes in eligibility information immediately. Importantly, when

a State updates its eligibility criteria (e.g. income guidelines), all households must be determined to be eligible under the new criteria.

- **Self-Declaration:** TEFAP regulations do not require that applicant households provide independent verification of eligibility information such as pay stubs. Under 7 CFR 251.5(b)(2), States are required to establish the methods by which households may demonstrate eligibility. A State agency may choose whether to require verification of eligibility and determine the process by which TEFAP applicants' eligibility information is verified. Any State policy regarding this process of verification must be uniformly implemented throughout the State.
- **Categorical Eligibility:** State agencies can have a policy that makes applicants automatically eligible for TEFAP if they participate in one or more local, State, or Federal means-tested programs provided that all other State-imposed eligibility standards are met (e.g., residency). A State agency may choose whether or not to require verification of participation in the program(s) that makes a person categorically income-eligible for TEFAP.
- Attached is a template that may be used, with State approval, for determining eligibility to receive food for home use. The name of this form can vary by State, but is sometimes referred to as the TEFAP Self-Declaration of Income Form, the TEFAP Household Application, or Household Intake Form. States may adapt this form as long as the basic information detailed below is included. For example, instead of the number of individuals in a household, States may ask for the names of persons in the household.

Applicants:

- Enter their name, number of persons in the household, and, if practicable, their address;
- Review the State's income guidelines to determine if they qualify based on their household income or, if they participate in one of the means-tested programs listed for categorical eligibility, check the box next to that program;
- Review the USDA nondiscrimination statement (a copy of this statement should be made available to applicants upon request); and
- Sign and date the form. By signing, the applicant is certifying that the household's income is either at or below the limit listed on the form or is participating in another program listed on the form. The applicant is also certifying residency in the State as of the date of application.

The eligible recipient agency (ERA) could meet its responsibility for determining income eligibility by having each applicant complete the form and retaining the completed forms. Note, the USDA nondiscrimination statement must be included on the form.

The use of electronic record keeping, including the collection of signatures, in TEFAP is permitted, provided that the same degree of confidence regarding the accuracy of eligibility determinations results from the electronic system as from the traditional, paper-based system. States and ERAs must meet program requirements under 7 CFR part 251, such as record keeping, maintaining participants' privacy, etc., regardless of the type of system used. Additionally, records must be made available to Federal and State agencies conducting reviews required by Federal regulations. States should also consider whether the proposed system is permissible under State information technology and records management policies.

Distribution Records:

ERAs must maintain an accurate record of households served at TEFAP distributions, in accordance with 7 CFR 251.10(a)(3). ERA staff can meet this requirement by maintaining a list of eligible applicants served at each distribution or by having the recipient sign a receipt or list at each distribution. We recommend that ERAs obtain signatures from the person receiving TEFAP food for the eligible household.

It is not a Federal requirement to record the specific foods – for example, two cans of green beans, two boxes of corn flakes, etc. – distributed to each household.

USDA Foods Received by the Eligible Recipient Agency:

All ERAs must sign a receipt for the USDA Foods they receive. Records of the receipts must be maintained [7 CFR 251.10(a)(1)]. Federal regulations at 7 CFR 251.4(g) and 7 CFR 250.10(a) require that USDA Foods be distributed in a manner which prevents waste. Record keeping should provide Federal and State program reviewers with the opportunity to assess whether or not the State or local agency is compliant with these, and other, Federal program requirements.

GUIDANCE FOR ELIGIBLE RECIPIENT AGENCIES THAT SERVE PREPARED MEALS

Eligibility for Prepared Meals:

There is no Federal standard or requirement for determining the eligibility of individuals to receive prepared meals. Individuals are presumed to be needy because they seek meals at an approved TEFAP site, which, per 7 CFR 251.5(a)(2), is providing prepared meals to serve to predominately needy persons.

Distribution Records:

ERAs do not have to maintain records of the names of people to whom they serve meals and meal recipients do not have to sign for their meals.

USDA Foods Received by the Eligible Recipient Agency:

All ERAs must sign a receipt for the USDA Foods they receive. Records of these receipts must be maintained [7 CFR 251.10(a)(1)]. TEFAP regulations at 7 CFR 251.4(g) require that USDA Foods be distributed in a manner which prevents waste. See also 7 CFR 250.10(a). Record keeping should provide Federal and State program reviewers with the opportunity to assess whether or not the State or local agency is compliant with these, and other, Federal program requirements.

GUIDANCE FOR ELIGIBLE RECIPIENT AGENCIES THAT CONDUCT HOUSEHOLD DISTRIBUTION AND SERVE MEALS

If a single TEFAP ERA distributes food for home use and serves prepared meals, it only needs to make income eligibility determinations for households receiving food for home use.

ADMINISTRATIVE FUNDS

ERAs that receive TEFAP administrative funds, as either advances or reimbursements, must maintain annual records documenting that they have paid allowable program costs at least equal to the amount of TEFAP money they received.

Regulations authorize the use of TEFAP administrative funds for allowable costs associated with USDA Foods, as well as food obtained from other sources and distributed through the TEFAP network. It is not necessary to separately record the costs of handling USDA and non-USDA Foods.

RETENTION OF RECORDS

Records relating to requirements for donated foods must be retained for a period of three years from the close of the fiscal or school year to which they pertain. However, records pertaining to claims or audits that remain unresolved in this period of time must be retained until such actions have been resolved [7 CFR 250.19(b) and 251.10(a)(4)].

/s/ Original Signature on File

Laura Castro
Director
Food Distribution Division

Attachment

THE EMERGENCY FOOD ASSISTANCE PROGRAM (TEFAP):
ELIGIBILITY TO RECEIVE TEFAP FOOD FOR HOME CONSUMPTION

Name: _____ Number of people in household: _____

Address:

This table shows a yearly gross income for each family size. If your household income is at or below the income listed for the number of people in your household, you are eligible to receive food.

[Insert State's TEFAP family-size/income guidelines.]

You are also eligible to receive food from TEFAP if your household participates in any of the following programs. If you participate in one of these programs, please check the box next to it.

[List programs the State has selected for determining automatic TEFAP eligibility.]

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html , and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

(1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;

(2) fax: (202) 690-7442; or

(3) email: program.intake@usda.gov.

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Please read the following statement carefully. Then sign the form and write in today's date.

I certify that my yearly gross household income is at or below the income listed on this form for households with the same number of people as my household, OR that my household participates in the program that I have checked on this form. I also certify that, as of today, my household lives in the area served by the [insert State name] Emergency Food Assistance Program. This certification form is being completed in connection with the receipt of Federal assistance. Per State policy, program officials may verify what I have certified to be true. I understand that making a false statement may result in having to pay the State for the value of the food improperly issued to me and may subject me to criminal prosecution under State and Federal law.

(Signature)

Date