



Food and
Nutrition
Service

Park Office
Center

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DATE: June 30, 2017

POLICY NO: FD-041: The Emergency Food Assistance Program (TEFAP)

SUBJECT: Distribution of TEFAP Foods to Children (Revised)

This memorandum provides guidance on the distribution of commodities (i.e., USDA Foods) under The Emergency Food Assistance Program (TEFAP) to children through Kids Cafe, Backpack, or similar programs. In general, eligible recipient agencies (ERAs) can provide TEFAP foods to a child provided the child's household is certified as eligible for TEFAP and proper distribution records are maintained by the ERA.

Prepared Meals

There is no Federal standard or requirement for determining the eligibility of individuals, including children, to receive prepared meals. Individuals are presumed to be needy because they seek meals at an approved TEFAP site. Per 7 CFR 251.5(a)(2), a State must only approve meal sites that are providing prepared meals to serve to predominately needy persons, which may be sites serving prepared meals to predominantly needy children.

Household Distribution

TEFAP regulations at 7 CFR 251.5(a)(1) state that: "*Organizations distributing commodities to households for home consumption must limit the distribution of commodities provided under this part to those households which meet the eligibility criteria established by the State agency.*" Additionally, per 7 CFR 251.5(b)(2), *the household must demonstrate its eligibility for the program through the State's uniform Statewide criteria for household eligibility.* Therefore, prior to a TEFAP ERA providing a child with TEFAP foods, the child's household must complete the State's TEFAP eligibility determination process. Additionally, the ERA would need to follow the recordkeeping requirements in 7 CFR part 251, which are clarified in [Policy Memorandum FD-36: Local-Level Record Keeping Requirements \(Revised\)](#), when distributing TEFAP foods to children.

In order to accommodate the unique needs of a nutrition program for children which uses TEFAP foods, States can explore the following flexibilities provided they are clearly outlined within the State's TEFAP Distribution Plan:

- **Categorical Eligibility:** States can have a policy that makes all 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). For example, a State can have a policy in its TEFAP State Plan for automatic income eligibility of a household if a child in the household receives free or reduced-price meals through the National School Lunch Program (NSLP). Note, the State, not local agencies, must decide which other programs yield automatic income eligibility for TEFAP. If a State uses categorical

eligibility, it must be applied to all TEFAP applicants Statewide, whether they seek assistance at a school or any other TEFAP distribution site.

- **Issuance Records:** ERAs must maintain an accurate record of households served at TEFAP distributions. A State can consider what recordkeeping process best meets this requirement in various settings. For example, a State may allow an ERA running a backpack program to have the program staff maintain a list of households receiving backpacks at each distribution rather than having the household sign for each backpack.
- **Distribution Procedures:** States can allow each local agency to tailor distribution procedures to the needs of its specific clientele provided that the households have met the uniform Statewide eligibility criteria. For example, a State may allow an ERA running a backpack program to distribute TEFAP foods to children on a weekly basis while also allowing the same or other ERAs to distribute TEFAP foods at other sites on a monthly basis.

Per TEFAP regulations at 7 CFR part 251, States are responsible for setting uniform Statewide criteria for determining which households are eligible to receive food for home consumption as well as criteria for determining eligibility of organizations to distribute TEFAP foods. A State cannot tailor TEFAP eligibility requirements for different distribution sites. These criteria must be uniform, statewide, and clearly defined in the State's TEFAP Distribution Plan. Furthermore, the particular instructions guiding the program should be included in State Operations Manuals and/or agreements.

In accordance with 7 CFR 251.6(c), prior to permitting ERAs to distribute TEFAP foods to children, a State agency must review its TEFAP Distribution Plan and, if necessary, submit an amendment to the Plan to the appropriate FNS Regional Office for approval.

/s/ Original Signature on File

Laura Castro

Director

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