Food Distribution
National Policy Memorandum

United States Department of Agriculture

Food and Nutrition Service

3101 Park Center Drive

Alexandria, VA 22302-1500

DATE: November 27, 2007

POLICY NO: FD-069: The Emergency Food Assistance Program (TEFAP)

SUBJECT: Eligibility of Indian Tribal Organizations (ITOs) to participate in TEFAP

The purpose of this memorandum is to provide guidance regarding the eligibility of ITOs to participate in TEFAP. While ITOs cannot enter into direct agreements with the Department of Agriculture (USDA) to distribute TEFAP foods, they may be eligible to participate in TEFAP as recipient agencies, and States are encouraged to make ITOs aware of how they may apply to participate in TEFAP.

In accordance with Section 205 of the Emergency Food Assistance Act of 1983, as amended, Section 251.3(i) of the TEFAP regulations defines a State agency as the unit of State government "designated by the Governor or other appropriate State executive authority" which enters into a food distribution agreement with USDA. Because ITOs are not States, they cannot be units of State government. Thus, ITOs are not eligible to enter agreements to distribute TEFAP commodities with USDA, and are therefore precluded from serving as State agencies for the purposes of TEFAP.

Section 251.3(d) defines "eligible recipient agency" (ERA) as a public or private tax-exempt organization that provides food assistance to needy persons. By definition, ITOs are tribal governments or agencies of tribal governments, and are therefore public organizations. Thus, ITOs that provide food assistance to needy persons are eligible to enter into agreements with State agencies to serve as TEFAP ERAs.

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