

Issuing Agency/Office:	Food and Nutrition Service
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Summary:	<i>This memo is addressed to TEFAP State agencies and provides the initial allocations for FY 2020 Farm to Food Bank Projects, outlined in the 2018 Farm Bill. This memo includes details on information collections under OMB# 0584-0293 and OMB# 0584-0594.</i>
Disclaimer:	The contents of this guidance document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.
<i>Body of guidance document follows.</i>	



Food and
Nutrition
Service

DATE: March 11, 2020

SUBJECT: The Emergency Food Assistance Program (TEFAP) – Farm to Food Bank Projects State Plan Requests and Fiscal Year (FY) 2020 Allocations

TO: Regional Directors
Special Nutrition Programs
MARO, MPRO, MWRO,
NERO, SERO, SWRO, and
WRO

State Directors
All TEFAP State Agencies

1320 Braddock
Place
Alexandria
VA 22314

Section 4018(b) of the Agriculture Improvement Act of 2018 (P.L. 115-334) amended Section 203D of the Emergency Food Assistance Act of 1983 to provide funding for TEFAP State agencies to pay for projects to harvest, process, package, or transport commodities donated by agricultural producers, processors, or distributors for use by emergency feeding organizations (EFOs). These projects are known as Farm to Food Bank Projects. The final rule entitled, The Emergency Food Assistance Program: Implementation of the Agriculture Improvement Act of 2018 (84 FR 52997), codified this change in TEFAP regulations at 7 CFR 251.6 and 251.10. The purpose of this memorandum is to provide guidance on TEFAP Farm to Food Bank Projects and to allocate funding for such projects in FY 2020.

Pursuant to the Congressional Review Act (5 U.S.C. §801 et seq.), the Office of Information and Regulatory Affairs designated this memorandum as not a major rule, as defined by 5 U.S.C. § 804(2).

Farm to Food Bank Projects

Farm to Food Bank Projects are defined at 7 CFR 251.10(j) as the harvesting, processing, packaging, or transportation of unharvested, unprocessed, or unpackaged commodities donated by agricultural producers, processors, or distributors for use by EFOs. The purpose of such projects must be to (a) reduce food waste at the agricultural production, processing, or distribution level through the donation of food, (b) provide food to individuals in need, and (c) build relationships between agricultural producers, processors, and distributors and EFOs through the donation of food. Farm to Food Bank Project funds can only be used for the costs associated with harvesting, processing, packaging, or transporting privately donated foods, and cannot be used to purchase foods for agricultural production activities (e.g., purchasing seeds or planting crops). Additionally, these funds may not be used for costs associated with handling USDA Foods provided for distribution through TEFAP. States have discretion in determining how to distribute Farm to Food Bank Project funds and may apply funds to both new

initiatives and to existing projects that meet the definition of a Farm to Food Bank Project.

Farm to Food Bank Project Partners

As required by 7 CFR 251.6(a)(5), Farm to Food Bank Projects must be carried out in partnership with one or more EFOs located in the State. Per 7 CFR 251.3(e), an EFO is an eligible recipient agency which provides nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons. States must have a TEFAP agreement in place with all participating EFOs in a Farm to Food Bank Project before the start of a project. Through agreements, State agencies may also partner with other States to maximize the use of foods donated under any Farm to Food Bank Project.

State Plan Amendments

To be eligible for funds to carry out a Farm to Food Bank Project in FY 2020, State agencies must submit an amendment to their State Plan to their FNS Regional Office by March 31, 2020. States wishing to fund multi-year Farm to Food Bank projects will need to submit an updated State Plan Amendment each fiscal year reconfirming the ongoing operation of the project. Per 7 CFR 251.6(a)(5)(i) through (iv), State Plan amendments must include all of the following requirements:

- A list of EFOs within the State that will operate the project in partnership with the State agency;
- A list of any State agencies that will operate the project as a part of an agreement;
- A description of the purpose of the Farm to Food Bank Project that includes how the Project will:
 - Reduce food waste at the agricultural production, processing, or distribution level through the donation of food;
 - Provide food to individuals in need; **and**
 - Build relationships between agricultural producers, processors, and distributors and emergency feeding organizations through the donation of food; and
- The Federal fiscal year in which the Project will begin operating.

Attached to this memorandum (Attachment A) is a sample Farm to Food Bank State Plan Amendment for FY 2020 that addresses each of these required items. The burden for amending the State plan is captured under OMB Control Number 0584-0293 (expiration date 3/31/2020).

Match Requirement

As per TEFAP regulations at 7 CFR 251.10(j)(4), the Federal share of a Farm to Food Bank Project shall not exceed 50 percent of the total cost of the project. Therefore, all Federal funds utilized for Farm to Food Bank Projects must be matched by non-federal

funds. The match requirement must be met through a cash or in-kind contribution from either the State agency or partner EFOs. Match funds must be used for allowable Farm to Food Bank Project costs. While funds or in-kind contributions from non-Federal sources expended to administer a project count toward the match requirement, donated foods, including the value of foods donated as a part of a Farm to Food Bank project, cannot count toward the match requirement.

Additional guidance on allowable cash and in-kind match contributions for Farm to Food Bank projects can be found at 7 CFR 251.9(c) and 251.10(j)(4).

Allocation of Funds for Farm to Food Bank Projects

FNS is making \$3.75 million available for Farm to Food Bank Projects in FY 2020. These funds will be allocated to State agencies that have submitted an approved State Plan amendment describing a plan of operation for a Farm to Food Bank Project. The funds will be allocated using the current TEFAP formula found at 7 CFR 251.3(h). The initial level of funds potentially available for each State in FY 2020 is attached to this memorandum (Attachment B). To receive funds in FY 2020, States must submit their State Plan amendment (Attachment A) to their FNS Regional Office for approval by March 31, 2020. The allocation of funds in Attachment B should be considered the *minimum* amount of funds that each State can receive for FY 2020. If any TEFAP State agency does not accept all or part of its *minimum* allocation, remaining funds will be allocated among all States that have submitted an approved State Plan amendment and that have accepted their full amount of funds on a pro-rata basis, once all State Plan amendments for FY 2020 are received and reviewed. FNS plans to allocate funds for FY 2020 Farm to Food Bank Projects in April of 2020.

The funds will be allocated for a one year period of performance, and thus will be available to obligate for one year from the date of allocation. If all funds allocated to a State agency are not obligated within the period of performance, FNS may reallocate the funds to other State agencies with approved Farm to Food Bank Project plans of operation in their State Plan.

Reporting Requirements

All State agencies that receive funds to carry out Farm to Food Bank Projects must provide semiannual financial reports describing the use of the funds to their appropriate FNS Regional Office. The first report must be submitted within the seventh month of the period of performance and must describe activities conducted within the first six months of the period of performance. The second, final financial report must be submitted no later than 90 calendar days after the end of the period of performance. The SF-425 should be used for these reports. See 7 CFR 251.10(j)(6) for more information on reporting requirements.

TEFAP State agencies with questions should contact their FNS Regional Offices.

/s/ Original Signature on File

Laura Castro

Director

Food Distribution Division