



Food and
Nutrition
Service

Park Office
Center

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DATE: April 15, 2019

SUBJECT: The Emergency Food Assistance Program (TEFAP) – Information on the Agriculture Improvement Act of 2018 (P.L. 115-334) Changes to State Plan Requirement on Commodity Preferences and Needs and the Food Funding Formula

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

State Directors
All TEFAP State Agencies

On December 20, 2018, the Agriculture Improvement Act of 2018 (Farm Bill) was signed into law. Section 4018 of the Farm Bill changes TEFAP State Plan requirements and the TEFAP food funding formula.

State Plan Requirements

Section 4018 of the Farm Bill changes State Plan requirements outlined in Section 202A(b) of the Emergency Food Assistance Act of 1983 (EFAA) and took effect on December 20, 2018. Under the new Section 202A(b)(6) of EFAA, the State Plan shall describe a plan, which may include the use of a State advisory board established under section 203A(c), that provides emergency feeding organizations or eligible recipient agencies within the State an opportunity to provide input on the commodity preferences and needs of the emergency feeding organization or eligible recipient agency.

In order to come into compliance with the new Section 202A(b)(6) of EFAA, State Plans must be amended to describe a plan that provides emergency feeding organizations or eligible recipient agencies within the State an opportunity to provide input on the commodity preferences and needs of the emergency feeding organization or eligible recipient agency. This plan may include the use of a State advisory board, as described at 7 C.F.R. 251.4(h)(4). TEFAP State agencies must amend their State Plans to include this new provision and submit the plans to their respective FNS Regional Office representatives for review and approval **no later than May 31, 2019**.

Food Funding Levels

Section 4018 of the Farm Bill maintains the current funding formula established in Section 27(a) of the Food and Nutrition Act of 2008. Section 27(a) established the

amount of funding available for TEFAP food purchases for Fiscal Year (FY) 2009, and indexes that amount to annual changes in the Thrifty Food Plan (TFP). Section 4018 of the Farm Bill also adds specified amounts annually, separate and distinct from the inflationary adjustments referenced above, to begin in FY 2019 and continue through FY 2023. Total TEFAP food funding amounts are calculated as follows, by fiscal year:

- FY 2019: The FY 2009 TFP-adjusted funding level, plus an additional \$23 million
- FY 2020-FY 2023: The FY 2009 TFP-adjusted funding level, plus an additional \$35 million

FNS informs State agencies annually of each fiscal year's food and administrative funding levels via the annual TEFAP Funding Memorandum; the FY 2019 memorandum was issued on March 6, 2019. Total TEFAP food funding in FY 2019 is \$309.083 million. This amount includes the FY 2009 funding level adjusted by changes in the TFP, plus the additional \$23 million provided through the Farm Bill.

The Food and Nutrition Service (FNS) will be updating program regulations at 7 C.F.R. 251 to implement all of the Farm Bill's TEFAP provisions. In the meantime, the provisions discussed in this memorandum are self-executing and do not require rulemaking for implementation. TEFAP State agencies with questions should contact their respective FNS Regional Office representatives, which may in turn contact the FNS National Office at (703) 305-2680.

/s/ Original Signature on File

Laura Castro

Director

Food Distribution Division