

# USDA Commodities

## Resource – Frequently Asked Questions

The Feeding America Government Relations Team is providing information for COVID-19-related common inquiries about United States Department of Agriculture (USDA) commodities.

### United States Department of Agriculture (USDA) Commodities FAQs

#### *The Emergency Food Assistance Program (TEFAP)*

##### **What changes can food banks make to TEFAP?**

There are a number of flexibilities available to improve TEFAP program operations in response to changing local conditions, including changes to: eligibility thresholds, interviews, signatures, and distribution frequency, locations, and amounts.

Food banks can request, at any time, an Amendment to the TEFAP State Plan to provide additional program flexibility. Some of these changes can be made at the state level with their existing authority, while others will require FNS approval and require states to submit a “TEFAP State Plan Amendment” to FNS for approval. Please note: a request to make changes to a state plan amendment will revise statewide operations and eligibility for TEFAP, which is something food banks need to consider.

##### **Can you give out TEFAP and disaster commodities simultaneously?**

Yes, there are no restrictions on distributing disaster commodities alongside the traditional TEFAP and CSFP programs.

##### **Does the President’s Declaration of a National Emergency due to COVID-19 give FNS waiver authority for TEFAP, CSFP, or FDPIR?**

No. FNS does not have the authority under the national emergency declaration to waive regulatory program requirements in TEFAP, CSFP, or FDPIR. However, State agencies have significant flexibility within existing program regulations on various aspects of program administration. A useful reference on flexibilities in TEFAP is [FD-146: Questions and Answers about Distribution Procedures in TEFAP, which is hyperlinked and attached](#).

##### **Can State agencies submit a request to FNS to conduct a household disaster distribution under?**

Yes. Under the President’s Emergency Declaration, State agencies can request that FNS allow USDA Foods to be distributed to households in need of food assistance due to COVID-19 impacts without verification of residency or income. This flexibility is in addition to the expected continued operation of all of USDA’s existing food assistance programs, including TEFAP, CSFP, and FDPIR.



**Can individuals receiving a household disaster distribution under 7 CFR 250.69 receive other food assistance from FNS?**

Individuals receiving a household disaster distribution of food are prohibited from receiving disaster SNAP (D-SNAP). If issuance of D-SNAP benefits has been approved in a State, the distributing agency must ensure that recipients of household disaster distribution are not also receiving D-SNAP. However, recipients of household disaster food distribution are not prohibited from receiving assistance from any other FNS program, should they be eligible for the other programs.

**Can we waive signature requirements for eligibility determinations in TEFAP?**

Yes. State agencies must establish uniform Statewide criteria for determining participant eligibility, and that criteria must include income-based standards and the methods by which households may demonstrate eligibility under such standards. The State must have a system in place where participants demonstrate their eligibility, which may include a signature or some other form of attestation by the participant.

**Can we waive signature requirements for TEFAP distributions?**

Yes. State agencies must establish uniform Statewide criteria for determining participant eligibility, so if the State agency chooses to amend their process for determining eligibility or frequency of signature collection, those changes would need to be uniform Statewide and would require an update to their State Plan.

**Can we waive the income eligibility process in TEFAP?**

No. TEFAP regulations provide that States must establish “uniform Statewide criteria” to determine TEFAP eligibility for household distribution. While self-declaration of income is allowed, households receiving TEFAP foods for household consumption must attest to their income eligibility in some way and this standard must be uniform statewide.

**Is there a limit on the number of individuals a proxy can serve in TEFAP?**

There is no specific requirement on the number of individuals that a proxy can serve in TEFAP. Accordingly, States which currently have limits established on the number of proxies may remove or increase them. The State should apply the change Statewide and will need to amend their State Plan to reflect the change. A simple temporary addendum to the State Plan is sufficient.

**Can we give out TEFAP food via a food drop at homes of those under quarantine and in need of food assistance?**

Yes. A food bank may organize food drops of TEFAP foods for current TEFAP participants who are quarantined. However, if the food bank would like to offer the food drops to those who are not already TEFAP participants, they will need to ensure that the food is distributed only to those who meet the State’s uniform TEFAP income and residency criteria.

**If a school is closed, can we expand TEFAP to people who do not normally qualify?**



The State has flexibility to allow TEFAP applicant households to be automatically income-eligible for TEFAP if they participate in a local, State, or federal means-tested program (such as receiving free/reduced-price meals through the National School Lunch Program), provided that all other State-imposed eligibility standards (e.g., residency) are met.

The State agency also has flexibility to adjust its income eligibility guidelines to expand participant eligibility at any time; however, TEFAP income guidelines must only allow those households which are in need of food assistance because of inadequate household income to receive TEFAP foods. Either of these things would need to be applied State-wide; they could not just be applied to one or two schools. Additionally, the TEFAP State Plan will need to be updated to reflect the new criteria.

**Can we temporarily suspend the paperwork that must be completed in order to receive TEFAP foods?**

No. State agencies must establish uniform Statewide criteria for determining participant eligibility, and that criteria must include income-based standards and the methods by which households may demonstrate eligibility under such standards.

That said, TEFAP State agencies have significant discretion in establishing the eligibility determination process and household distribution process within their State. The State must have a system in place where participants demonstrate their eligibility, but States can dictate how that is done. Signatures, for example, are recommended as part of the eligibility determination process, but not federally required. If the State would like to waive State-determined aspects of its process, it may do so by submitting an updated State Plan amendment to FNS.

**Can we establish a drive through model for distribution?**

Yes. This is allowable.

***Commodity Supplemental Food Program (CSFP)***

**Can States waive signature requirements for the CSFP certification processes?**

No. CSFP requires a signature by applicants or their caretakers as part of the CSFP certification process. However, it would be acceptable for a State to allow local agencies to have a staff person sign (or print name) on behalf of clients to address COVID-19 concerns, provided that the local agency subsequently obtains the required signature. This could be done by mail, through an in-home visit, or in-person (by either the applicant or their caretaker) at a scheduled time to avoid a large congregation of people.

**Can States waive signature requirements for distributions?**

Yes. There is no specific Federal requirement that requires signatures for CSFP household food distributions. CSFP participants (or their proxies) must present some form of identification before receiving food at a distribution. If a State changes its signature requirement, the change should be applied Statewide to ensure uniformity in the requirements imposed (or not imposed) on participants.

**Can States waive signature requirements for proxies?**



Yes. CSFP regulations define proxy as “any person designated by a participant, or by the participant's adult parent or caretaker, to obtain supplemental foods on behalf of the participant.” There is no regulatory requirement that local agencies obtain a signature for proxy designations. States can allow participants to verbally confirm proxy designations on either a temporary or permanent basis.

**Can States change State limits on the number of individuals a proxy can serve?**

Yes. There is no federal requirement that limits the number of people for whom an individual can serve as proxy. However, proxies must be designated by a participant or the participant’s caretaker, so local agencies would need to obtain permission for this from each individual application.

**Can States waive the income eligibility process (self-declaration)?**

No. In CSFP, self-declaration of income is allowed, but the basic income eligibility requirements and certification process cannot be waived.

**Can we distribute bimonthly distributions?**

Yes. You will need to notify the State agency for them to update their State Plan.

**If a site closes in March, can it issue March food packages retroactively in April?**

Yes, but prior approval from FNS is required. If a CSFP site closes in March, States should make every effort to provide an alternative way for participants to receive their food packages in March; for example, by allowing participants (or their proxies) to pick up the boxes at an alternative location or by doing home deliveries. If that is not feasible, then States may request permission to allow distribution sites to distribute March CSFP food packages in April.

**What flexibility do is there in terms of the foods included in the CSFP food package?**

Only CSFP-approved foods may be issued as part of the CSFP food package. In the event of product shortages, FNS can allow for adjustments. However, there are no product shortages anticipated at this time.

**What happens if a local agency can’t distribute all of the boxes at some sites because of seniors following the advice not to congregate?**

Any CSFP food boxes that are not picked up after a distribution must be returned to the local agency’s storage facility and reissued at a later point. Additionally, to adhere to the advice not to congregate, States may allow local agencies to use proxies or home delivery options. Note that if local agencies have waiting lists, the boxes may be distributed to participants on the waiting list using temporary one-month certifications.

**FDIPR:**

**What changes can ITOs make to their FDPIR distribution procedures to address COVID-19 concerns?**

ITOs can choose to arrange for home delivery of their FDPIR benefits or allow for a proxy to pick up the food package. ITOs can also prepare food packages in advance by calling program participants and



making arrangements for pick-up of a pre-packed box at a set time. Pick-up time-frames can be spread out across different days and times during the day and week (on a temporary basis).

**Can ITOs do a retroactive distribution of FDPIR benefits?**

FDPIR benefits may not be issued retroactively.

**What changes can ITOs make to their FDPIR distribution procedures to address COVID-19 concerns?**

ITOs can choose to arrange for home delivery of their FDPIR benefits or allow for a proxy to pick up the food package. ITOs can also prepare food packages in advance by calling program participants and making arrangements for pick-up of a pre-packed box at a set time. Pick-up time-frames can be spread out across different days and times during the day and week (on a temporary basis).

**Can people still apply for FDIPR?**

People can apply for program; applications are being expedited. Many sites have reported same day approval and people can walk away with food.

**Can Disaster Household Distribution be used through FDIPR?**

Disaster Household Distribution can run through existing FDIPR warehouses

**Can FDPIR participants participate in SNAP simultaneously?**

No. Recipients of FDIPR would have to disenroll to receive SNAP benefits, or vice versa.

