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The Emergency Food Assistance Program (TEFAP): Background and Funding

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SUMMARY

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The Emergency Food Assistance Program (TEFAP): Background and Funding

The Emergency Food Assistance Program (TEFAP) is a federal food distribution program that supports food banks, food pantries, soup kitchens, and other emergency feeding organizations serving low-income Americans. Federal assistance takes the form of federally purchased commodities—including fruits, vegetables, meats, and grains—and funding for administrative costs. Food aid and funds are distributed to states using a statutory formula that takes into account poverty and unemployment rates. TEFAP is administered by the U.S. Department of Agriculture's Food and Nutrition Service (USDA-FNS).

TEFAP was established as the Temporary Emergency Food Assistance Program by the Emergency Food Assistance Act of 1983. The Emergency Food Assistance Act continues to govern program operations, while the Food and Nutrition Act provides mandatory funding authority for TEFAP commodities. Based on levels set in statute, appropriations provided $322.3 million in mandatory funding for TEFAP's *entitlement* commodities in FY2020. TEFAP also incorporates *bonus* commodities, which are distributed at USDA's discretion throughout the year to support different crops using separate budget authority. USDA purchased $308.9 million worth of bonus commodities for TEFAP in FY2018 (the latest year for which data are available). A smaller amount of cash assistance ($79.6 million in FY2020) is appropriated to cover administrative and distribution costs under Emergency Food Assistance Act authority. These administrative funds are discretionary.

USDA-FNS coordinates the purchasing of commodities and the allocation of commodities and administrative funds to states, and provides general program oversight. State agencies—often state departments of health and human services, agriculture, or education—determine program eligibility rules and allocations of aid to feeding organizations (called *recipient agencies*). States often task food banks, which operate regional warehouses, with distributing foods to other recipient agencies. TEFAP aid makes up a modest proportion of the food and funds available to emergency feeding organizations, which are reliant on private donations as well.

TEFAP is the largest source of federal support for emergency feeding organizations. Other related food distribution programs focus on specific subpopulations; for example, the Federal Emergency Management Agency's (FEMA's) Emergency Food and Shelter Program distributes food to homeless individuals and USDA's Commodity Supplemental Food Program distributes food to low-income elderly individuals.

TEFAP is typically amended and reauthorized through farm bills. Most recently, the 2018 farm bill (P.L. 115-334) extended funding for TEFAP's entitlement commodities through FY2023. The law also funded new projects aimed at incorporating non-federally donated foods into the program and reducing food waste. Recent program developments include TEFAP's use in disaster response and receipt of commodities from the Administration's 2018 and 2019 trade aid packages.

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Introduction

The Emergency Food Assistance Program (TEFAP; previously the Temporary Emergency Food Assistance Program) provides federally purchased commodities and a smaller amount of cash support to food banks, food pantries, soup kitchens, shelters, and other types of emergency feeding organizations serving low-income households and individuals.[1] Commodities include fruits, vegetables, meats, and grains, among other foods. In addition to serving needy individuals, TEFAP's domestic commodity purchases support the agricultural economy by reducing supply on the market, thereby increasing food prices. TEFAP is administered by the U.S. Department of Agriculture's Food and Nutrition Service (USDA-FNS).

TEFAP was established under the Emergency Food Assistance Act of 1983 in an effort to dispose of government-held agricultural surpluses and alleviate hunger in the wake of a recession and declining food stamp benefits.[2] Since then, TEFAP has evolved into a permanent program with mandatory, annually appropriated funding that operates in all 50 states, the District of Columbia, and four U.S. territories.[3] The program was most recently reauthorized by the 2018 farm bill (P.L. 115-334).

At the federal level, TEFAP is administered by USDA-FNS in collaboration with USDA's purchasing agencies: the Agricultural Marketing Service (AMS) and Commodity Credit Corporation (CCC). At the state level, TEFAP is administered by a *state distributing agency* designated by the governor or state legislature; generally, they are state departments of health and human services, agriculture, or education. Federal commodities and funds may flow through the state or directly to feeding organizations (called *recipient agencies*) based on how the state structures the program.[4] States will often task food banks with processing and distributing food to local feeding organizations. Food banks typically operate regional warehouses and distribute food to other organizations rather than to households directly.[5] **Figure 1** depicts the flow of commodities and funds through TEFAP.

[1] The 1990 farm bill (P.L. 101-624) removed "Temporary" from the program title.

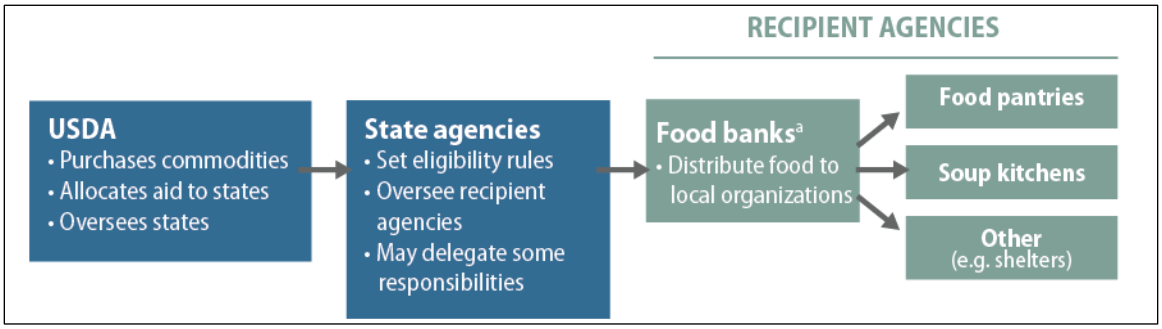
[2] See **Appendix B** for further legislative history.

[3] TEFAP operates in the District of Columbia, Puerto Rico, the U.S. Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Guam. Throughout this report, the term *states* is used but is meant to include these other jurisdictions. For an explanation of appropriated mandatory funding, see CRS Report RS20129, *Entitlements and Appropriated Entitlements in the Federal Budget Process*.

[4] Consistent with statute and regulations, this report uses the term *recipient agency* to describe organizations receiving TEFAP support, with the understanding that emergency feeding organizations are the most common type of recipient agency.

[5] See "Program Administration" for further discussion of federal, state, and local roles. C. Cabili, E. Eslami, and R. Briefel, *White Paper on the Emergency Food Assistance Program (TEFAP)*, prepared by Mathematica for the Office of Policy Support, Food and Nutrition Service, U.S. Department of Agriculture, August 2013, https://fns-prod.azureedge.net/sites/default/files/TEFAPWhitePaper.pdf.

Figure 1. Flow of Foods and Funds through TEFAP



Source: Adapted from USDA-FNS, *White Paper on the Emergency Food Assistance Program*, 2013.

a. States may distribute food to recipient agencies directly or task recipient agencies with food distribution to other recipient agencies. States often delegate this responsibility to food banks.

TEFAP is part of a larger web of food assistance programs.[6] Some of these programs provide cash assistance while others primarily distribute food. TEFAP foods may reach individuals who do not qualify for other food assistance programs or supplement the assistance that individuals receive through other programs. With more than $400 million in appropriated funding in FY2020, TEFAP is the largest source of federal support for emergency feeding organizations. Other related federal programs include the Federal Emergency Management Agency's (FEMA's) Emergency Food and Shelter Program, funded at $125 million in FY2020, which, among its other services for homeless individuals, provides food through shelters, food banks, and food pantries.[7] In addition, USDA's Commodity Supplemental Food Program, funded at $245 million in FY2020, distributes monthly food packages to low-income elderly individuals through local organizations, which can include food banks and pantries.[8]

This report begins by describing the population using emergency food assistance. It goes on to discuss the TEFAP program, including its administration at the federal, state, and local levels, eligibility rules, and funding structure. The report concludes by summarizing TEFAP's role in disaster response and recent reauthorization efforts. **Appendix A** lists TEFAP expenditures from the program's inception in 1983 to present; **Appendix B** provides a brief legislative history of TEFAP; and **Appendix C** lists TEFAP funding by state.

Definitions

Emergency feeding organizations (EFOs): "The term 'emergency feeding organization' means a public or nonprofit organization that administers activities and projects (including the activities and projects of a charitable institution, a food bank, a food pantry, a hunger relief center, a soup kitchen, or a similar public or private nonprofit eligible recipient agency) providing nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons."

Common types of EFOs:

- **Food banks:** "The term 'food bank' means a public or charitable institution that maintains an established operation involving the provision of food or edible commodities, or the products of food or edible commodities, to food pantries, soup kitchens, hunger relief centers, or other food or feeding centers that, as an integral part of their normal activities, provide meals or food to feed needy persons on a regular basis."

[6] See CRS Report R42353, *Domestic Food Assistance: Summary of Programs*.

[7] For more information, see CRS Report R42766, *The Emergency Food and Shelter National Board Program and Homeless Assistance*.

[8] For more information, see CRS Report R42353, *Domestic Food Assistance: Summary of Programs*.

- **Food pantries:** "The term 'food pantry' means a public or private nonprofit organization that distributes food to low-income and unemployed households, including food from sources other than the Department of Agriculture, to relieve situations of emergency and distress."
- **Soup kitchens:** "The term 'soup kitchen' means a public or charitable institution that, as an integral part of the normal activities of the institution, maintains an established feeding operation to provide food to needy homeless persons on a regular basis."

Source: Section 201A of the Emergency Food Assistance Act (7 U.S.C. 7501)

The Demand for Emergency Food Assistance

According to an analysis of Current Population Survey (CPS) data by USDA's Economic Research Service (ERS), an estimated 5.7 million households (4.4%) utilized food pantries (see **Figure 2**) and at least 657,000 households (0.5%) utilized soup kitchens in 2018.[9] However, this is likely an underestimate of the population using emergency food assistance because the sample did not include certain households with incomes over 185% of the poverty guidelines and the CPS does not fully capture households who are homeless or in tenuous housing arrangements. For comparison, a survey by Feeding America, a nonprofit membership and advocacy organization, estimated that approximately 15.5 million households accessed its network of feeding organizations in 2013 (the same year, ERS estimated that 6.9 million households used food pantries and soup kitchens). The Feeding America network represents a large segment of emergency feeding organizations nationwide.[10]

Data on the number of TEFAP recipients specifically are not available, in part because TEFAP commodities are mixed in with other commodities provided by emergency feeding organizations and because of "the transient nature of participation."[11]

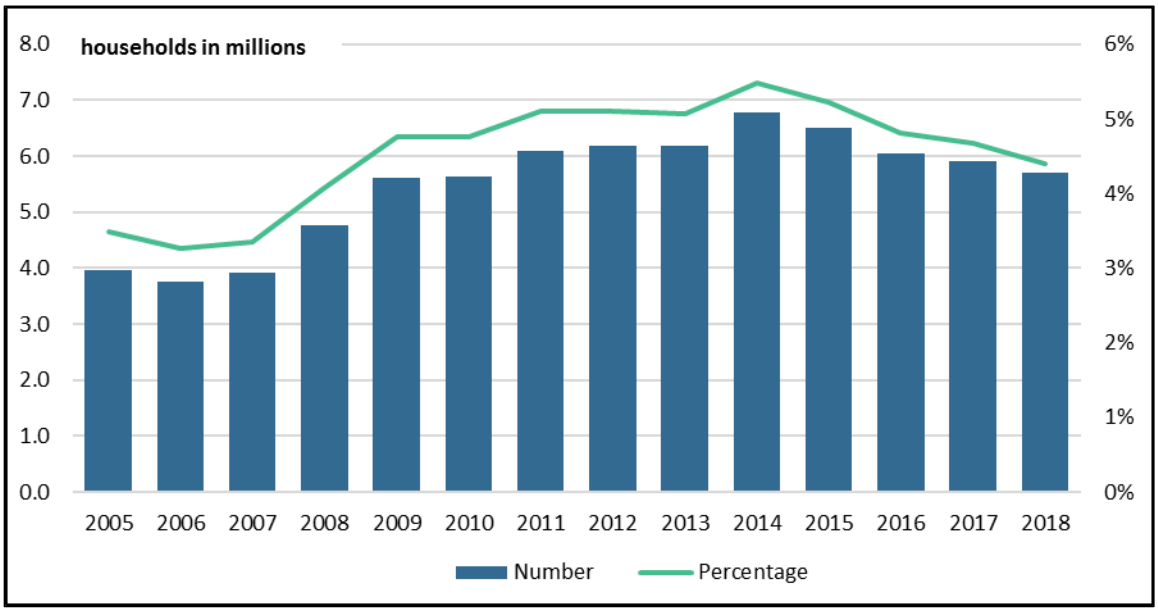
[9] Households can have one or more members. *Food pantry use* is defined as "receiving emergency food from a church, food pantry, or food bank." A. Coleman-Jensen, M.P. Rabbitt, C.A. Gregory, and A. Singh, *Statistical Supplement to Household Food Security in the United States in 2018*, AP-081, U.S. Department of Agriculture, Economic Research Service, September 2019, pp. 20-21, https://www.ers.usda.gov/publications/pub-details/?pubid=94869.

[10] Feeding America's network includes 200 food banks and 60,000 food pantries, according to FeedingAmerica.org, *Our Network*, http://www.feedingamerica.org/our-work/food-bank-network.html. In 2000, Feeding America's network included 80% of emergency feeding organizations according to J.C. Ohls et al., *The Emergency Food Assistance System—Findings From the Provider Survey*, prepared by Mathematica Policy Research, Inc. for the Food and Rural Economics Division, Economic Research Service, USDA, October 2002, p. 2, https://www.ers.usda.gov/publications/pub-details/?pubid=46507.

[11] USDA-FNS, *Nutrient and MyPyramid Analysis of USDA Foods in Five of Its Food and Nutrition Programs*, prepared by Westat for the Office of Research and Analysis, January 2012, p. 3-84, https://fns-prod.azureedge.net/sites/default/files/ops/NutrientMyPyramid.pdf.

Figure 2. Number of Households Using Food Pantries, 2005-2018

And as a percentage of households nationwide



Source: CRS graphic based on data contained in statistical supplements to *Household Food Security in the United States*, USDA Economic Research Service, for 2005-2018.

Notes: This represents the number of households who reported that they received emergency food from a food pantry, food bank, or church in the last 12 months. This may be an underestimate of the number of households using food pantries due to the fact that the Census's Current Population Survey (CPS) Food Security Supplement focuses on households with incomes under 185% of the poverty guidelines and excludes homeless individuals and underrepresents those in tenuous housing arrangements. See Statistical Supplement to Household Food Security in the United States in 2018, p. 21, https://www.ers.usda.gov/publications/pub-details/?pubid=94869.

Characteristics of Emergency Food Recipients

Food insecurity is common among households using emergency feeding organizations.[12] According to the ERS analysis, 65.7% of households using food pantries and soup kitchens were food insecure in 2018, meaning that they had difficulty providing enough food for all of their members at times during the year due to a lack of resources.[13] Roughly half of these households experienced very low food security, meaning that the food intake of some household members was reduced and normal eating patterns were disrupted due to limited resources. Nationally, the percentage of households experiencing food insecurity was 11.1% in 2018, down from a recent high of 14.9% in 2011.[14]

[12] A. Coleman-Jensen, M.P. Rabbitt, C.A. Gregory, and A. Singh, *Statistical Supplement to Household Food Security in the United States in 2018*, AP-081, U.S. Department of Agriculture, Economic Research Service, September 2019, pp. 20-21, https://www.ers.usda.gov/publications/pub-details/?pubid=94869.

[13] Ibid. "Food security" focuses on economic and access-related factors associated with an individual's ability to purchase food or otherwise obtain enough to eat, as opposed to hunger, which is considered a physiological condition. For more information on the differences between food insecurity and hunger, see CRS Report R42353, *Domestic Food Assistance: Summary of Programs*.

[14] A. Coleman-Jensen, M.P. Rabbitt, C.A. Gregory, and A. Singh, *Household Food Security in the United States in 2018*, ERR-270, U.S. Department of Agriculture, Economic Research Service, September 2019, p. 7,

According to the ERS analysis, in 2018 households using food pantries were more likely to have incomes below 185% of poverty compared to the general population (67% vs. 21%) and to include children (36% vs. 29%).[15] Meanwhile, according to the 2014 Feeding America survey, individuals using meal programs (e.g., soup kitchens and shelters) were generally single-person households and were more likely to be homeless. In 2013, just over 70% of households using the Feeding America network of meal programs had a single member and nearly 34% were homeless or living in temporary housing.[16]

In addition, emergency feeding organizations may act as a safety net for food insecure households who are ineligible for or do not participate in other federal food assistance programs. For example, in the case of the Supplemental Nutrition Assistance Program (SNAP), households may have an income too high to qualify for assistance but still experience difficulty purchasing food, or they may fail to meet other program eligibility rules.[17] Among households using feeding organizations affiliated with Feeding America's network, a little more than half (55%) reported receiving SNAP benefits in 2013.[18]

Program Administration

Federal Role

TEFAP is administered by USDA's Food and Nutrition Service (FNS), which is responsible for allocating aid to states (see "State Allocation Formula") and coordinating the ordering, processing, and distribution of commodities. Specifically, FNS receives requests for certain quantities and types of commodities from state agencies, which place orders based on their entitlement allocation and in consultation with recipient agencies.[19] FNS then collaborates closely with USDA's purchasing agencies—the Agricultural Marketing Service (AMS) and Commodity Credit Corporation (CCC)—to fulfill the orders.[20] FNS also collaborates with AMS and CCC to purchase bonus commodities throughout the year that are not based on state requests but rather USDA's discretion to support different crops. Commodities are delivered to state distribution points, which may be operated by a state agency, private contractor, or recipient agency.[21] According to a 50-state survey conducted by the Washington State Department of Agriculture in

https://www.ers.usda.gov/publications/pub-details/?pubid=94848.

[15] A. Coleman-Jensen, M.P. Rabbitt, C.A. Gregory, and A. Singh, *Statistical Supplement to Household Food Security in the United States in 2018*, AP-081, U.S. Department of Agriculture, Economic Research Service, September 2019, pp. 20-21, https://www.ers.usda.gov/publications/pub-details/?pubid=94869.

[16] See Weinfield et al., *Hunger in America 2014*, Feeding America, prepared by Westat and the Urban Institute, August 2014, pp. 91, 100-102, http://help.feedingamerica.org/HungerInAmerica/hunger-in-america-2014-full-report.pdf.

[17] For more information on SNAP eligibility, see CRS Report R42505, *Supplemental Nutrition Assistance Program (SNAP): A Primer on Eligibility and Benefits*.

[18] Weinfield et al., *Hunger in America 2014*, Feeding America, prepared by Westat and the Urban Institute, August 2014, http://help.feedingamerica.org/HungerInAmerica/hunger-in-america-2014-full-report.pdf.

[19] For the 2018 list of TEFAP food selections, see USDA-FNS, *USDA Foods Available List for The Emergency Food Assistance Program (TEFAP)*, August 2018, https://fns-prod.azureedge.net/sites/default/files/tefap/tefap-foods-available.pdf.

[20] C. Cabili, E. Eslami, and R. Briefel, *White Paper on the Emergency Food Assistance Program (TEFAP)*, prepared by Mathematica for the Office of Policy Support, Food and Nutrition Service, U.S. Department of Agriculture, August 2013, https://fns-prod.azureedge.net/sites/default/files/TEFAPWhitePaper.pdf.

[21] Section 203B of the Emergency Food Assistance Act of 1983 (codified at 7 U.S.C. 7505); 7 C.F.R. 251.4.

2015, most states reported that commodities were sent to nonprofit-run warehouses (i.e., food banks).[22]

FNS also issues regulations and guidance and provides general oversight of states' TEFAP operations. FNS provides oversight by reviewing and approving state TEFAP plans, which are documents that outline each state's operation of TEFAP. States are required to submit amendments to the plan for approval "when necessary to reflect any changes in program operations or administration as described in the plan, or at the request of FNS, to the appropriate FNS Regional Office."[23]

State Role

TEFAP is administered at the state level by an agency designated by the governor "or other appropriate State executive authority" that enters into an agreement with FNS.[24] As of 2015, states most commonly housed TEFAP in a health and human services department (19 states), agriculture department (14 states), or education department (8 states).[25] State agencies administering TEFAP are responsible for creating eligibility criteria (see "Eligibility Rules for Individuals and Households"), selecting recipient agencies, distributing commodities and funds to recipient agencies, and overseeing recipient agencies. States also maintain state TEFAP plans, which contain program and eligibility rules.[26]

Federal regulations allow states to delegate a number of responsibilities to recipient agencies, if desired. States can (and often do) delegate the responsibility of warehousing and transporting commodities to one or more eligible recipient agencies, most often to food banks.[27] They also frequently delegate the role of selecting and contracting with other recipient agencies; for example, enabling a food bank to contract with multiple food pantries.[28] States cannot delegate their responsibility to set eligibility rules or oversee recipient agencies.[29]

States must review at least 25% of recipient agencies contracting directly with the state (e.g., food banks) at least once every four years, and at least one-tenth or 20 (whichever is fewer) of other recipient agencies each year.[30] If the state finds deficiencies in the course of review, the state

[22] See Washington State Department of Agriculture, *The Emergency Food Assistance Program (TEFAP): Distribution National Survey 2015*, AGR 609-574, pp. 9-10, https://agr.wa.gov/FP/Pubs/docs/FSCS/574-TEFAPDistSurvey-2015.pdf. Larger states often reported multiple, regional warehouses while smaller states sometimes had one central warehouse.

[23] Section 202A of the Emergency Food Assistance Act of 1983 (codified at 7 U.S.C. 7503).

[24] 7 C.F.R. 251.2.

[25] USDA-FNS, *TEFAP State Contacts*, https://www.fns.usda.gov/contacts. The remaining 12 states/territories housed TEFAP in another department, such as a family services agency. The state agency was not listed for the U.S. Virgin Islands and the Commonwealth of the Northern Mariana Islands.

[26] Individual state plans can usually be found on the state agency's website that administers TEFAP. A list of state agencies that administer TEFAP is available at https://www.fns.usda.gov/tefap/tefap-contacts. According to Section 202A of the Emergency Food Assistance Act of 1983 (codified at 7 U.S.C. 7503), state plans must include eligibility rules.

[27] Washington State Department of Agriculture, *The Emergency Food Assistance Program (TEFAP): Distribution National Survey 2015*, AGR 609-574, https://agr.wa.gov/FP/Pubs/docs/FSCS/574-TEFAPDistSurvey-2015.pdf.

[28] C. Cabili, E. Eslami, and R. Briefel, *White Paper on the Emergency Food Assistance Program (TEFAP)*, prepared by Mathematica for the Office of Policy Support, Food and Nutrition Service, U.S. Department of Agriculture, August 2013, https://fns-prod.azureedge.net/sites/default/files/TEFAPWhitePaper.pdf.

[29] 7 C.F.R. 251.5.

[30] 7 C.F.R. 251.10.

agency must submit a report with the findings to the recipient agency and ensure that corrective action is taken.

Local Role

Organizations that are eligible for TEFAP aid are referred to as *recipient agencies* in the Emergency Food Assistance Act. According to the statute, recipient agencies are public or nonprofit organizations that administer

- emergency feeding organizations;
- charitable institutions;
- summer camps or child nutrition programs;
- nutrition projects operating under the Older Americans Act of 1965; or
- disaster relief programs.[31]

The first category of organizations—emergency feeding organizations—receive priority under TEFAP statute and regulations and also receive the majority of TEFAP aid.[32] Emergency feeding organizations are defined as public or nonprofit organizations "providing nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons."[33] They include food banks, food pantries, soup kitchens, and other organizations serving similar functions.

Recipient agencies are responsible for serving and distributing TEFAP foods to individuals and households. As discussed above, they may also have additional responsibilities as delegated by the state agency; for example, food banks, which operate food warehouses, may be tasked with distributing food to subcontracting recipient agencies like food pantries and soup kitchens, which in turn distribute foods or serve prepared meals to low-income individuals and families.

In addition, recipient agencies must adhere to program rules. For example, they must safely store food and comply with state and/or local food safety and health inspection requirements.[34] Recipient agencies must also maintain records of the commodities they receive and a list of households receiving TEFAP foods for home consumption.[35] There are also restrictions on the types of activities that can occur at distribution sites. Recipient agencies must ensure that any unrelated activities are conducted in a way that makes clear that the activity is not part of TEFAP and that receipt of TEFAP foods is not contingent on participation in the activity.[36] Activities may not disrupt food distribution or meal service and may not be explicitly religious.[37] In addition,

[31] Section 201A of the Emergency Food Assistance Act of 1983 (codified at 7 U.S.C. 7501).

[32] Section 203B of the Emergency Food Assistance Act of 1983 (codified at 7 U.S.C. 7505) gives states the option to give emergency feeding organizations priority. When they cannot meet the full demand of all eligible recipient organizations, states *must* give priority to emergency feeding organizations according to TEFAP regulations (7 C.F.R. 251.4). The statement that emergency feeding organizations receive the majority of TEFAP aid is based on CRS communication with the Food and Nutrition Service in September 2018.

[33] Section 201A of the Emergency Food Assistance Act of 1983 (codified at 7 U.S.C. 7501).

[34] 7 C.F.R. 250.14.

[35] 7 C.F.R. 251.10.

[36] Ibid.

[37] Ibid; USDA-FNS, *Further Clarification on the Prohibition Against Explicitly Religious Activities As Part of TEFAP and CSFP Activities*, FD-142, November 28, 2016, https://fns-prod.azureedge.net/sites/default/files/fdd/FD-142-Prohibition-Religious-Activities.pdf.

recipient agencies may not engage in recruitment activities designed to persuade an individual to apply for SNAP benefits.[38]

Characteristics of Emergency Feeding Organizations

The most recent nationally representative survey of emergency feeding organizations was conducted in 2000 by USDA's Economic Research Service (ERS).[39] ERS found that there were approximately 400 food banks, 32,700 food pantries and 5,300 soup kitchens in the United States in 2000.[40] These organizations were reliant on both private and public donations, including TEFAP support. According to the survey, TEFAP foods comprised 14% of foods distributed by the emergency food assistance system and TEFAP administrative funds comprised 12% to 27% of organizations' operating costs in 2000.[41] However, this proportion may fluctuate from year to year. More recently, Feeding America reported that TEFAP foods made up 17% of the foods distributed by their network of approximately 200 food banks in FY2017.[42]

Most food banks in the ERS survey were secular, nonprofit organizations, while the majority of food pantries and soup kitchens were nonprofit organizations associated with a religious group.[43] Food banks were likely to be affiliated with a national organization, including Feeding America (previously Second Harvest), United Way, Foodchain, Salvation Army, the Red Cross, and Catholic Charities.[44] All types of emergency feeding organizations were dependent on volunteers.[45]

Eligibility Rules for Individuals and Households

Under broad federal guidelines, states set eligibility rules for individuals and households participating in TEFAP. Eligibility rules differ for organizations distributing commodities directly to households (e.g., food pantries) and organizations providing prepared meals (e.g., soup kitchens). States must develop income-based standards for households receiving foods directly, but cannot set such standards for individuals receiving prepared meals. However, organizations serving prepared meals must serve predominantly needy persons, and states "may establish a higher standard than 'predominantly' and may determine whether organizations meet the applicable standard by considering socioeconomic data of the area in which the organization is located, or from which it draws its clientele."[46]

Income eligibility rules for households receiving TEFAP foods directly vary by state. Many states limit income eligibility to household incomes at or below 185% of the poverty guidelines.[47] Some

[38] USDA-FNS, *Prohibition of SNAP Recruitment and Promotion Activities by FDPIR and TEFAP Administering Agencies*, Policy Memorandum No. FD-143, May 2017, https://fns-prod.azureedge.net/sites/default/files/fdd/FD-143-prohibition-snap-recruitment.pdf.

[39] Feeding America published a study in 2014 of its network of feeding organizations (discussed in this report). However, while the Feeding America network comprises a large portion of the emergency feeding network, it is not a nationally representative sample of organizations.

[40] J.C. Ohls et al., *The Emergency Food Assistance System—Findings From the Provider Survey*, 16-2, prepared by Mathematica Policy Research, Inc. for the Food and Rural Economics Division, Economic Research Service, USDA, October 2002, https://www.ers.usda.gov/publications/pub-details/?pubid=46507.

[41] Ibid; see pp. 133-134 for TEFAP's proportion of foods and pp. 45, 77, 110 for its proportion of operating costs.

[42] CRS communication with Feeding America in October 2018.

[43] J.C. Ohls et al., *The Emergency Food Assistance System—Findings From the Provider Survey*, 16-2, prepared by Mathematica Policy Research, Inc. for the Food and Rural Economics Division, Economic Research Service, USDA, October 2002, pp. 16 and 50, https://www.ers.usda.gov/publications/pub-details/?pubid=46507.

[44] Ibid, p. 81.

[45] Ibid, pp. 39, 72, 108.

[46] 7 C.F.R. 251.5.

[47] Examples include Arizona, Hawaii, Indiana, Iowa, Massachusetts, Nevada, New Mexico, and Wisconsin. Individual

states also confer household eligibility based on participation in other federal and state programs (known as *categorical eligibility*).[48]

States may also create other eligibility rules for households' receipt of TEFAP foods, such as requiring identification or proof of residency within the state.[49] However, according to federal regulations, length of residency cannot be a criterion.[50]

Funding and Appropriations

Federal assistance through TEFAP is primarily provided in the form of USDA-purchased domestic agricultural commodities (*USDA Foods*). A smaller amount of assistance is provided in the form of cash support for administrative and distribution costs.

There are two types of TEFAP commodities: *entitlement commodities* and *bonus commodities.* Entitlement commodities are appropriated entitlements, meaning that the authorizing law sets the level of spending but an annual appropriation is needed to provide funding.[51] Funding for bonus commodities is *not* included in the TEFAP appropriation and is instead provided by separate USDA budget authority. These funds are used by USDA for bonus commodity purchases for the program throughout the year. TEFAP's administrative funds are discretionary spending, requiring an annual appropriation.

In FY2020, the enacted appropriation provided $322.3 million for entitlement commodities and $79.6 million for administrative costs.[52] Appropriations for TEFAP's entitlement commodities were contained in the SNAP account and appropriations for administrative costs were contained in the Commodity Assistance Program (CAP) account. In FY2018 (the most recent year with complete data), USDA purchased and distributed $308.9 million in bonus commodities for TEFAP.[53] Bonus commodities are projected to increase in FY2019 as a result of the Administration's trade aid package (discussed below).

state plans can usually be found on the state agency's website that administers TEFAP. A list of state agencies that administer TEFAP is available at https://www.fns.usda.gov/tefap/tefap-contacts.

[48] For example, see Arizona's State Plan for The Emergency Food Assistance Program, p. 6, https://des.az.gov/file/10408/download.

[49] See individual state plans for state-specific eligibility rules, which can usually be found on the state agency's website that administers TEFAP. A list of state agencies that administer TEFAP is available at https://www.fns.usda.gov/tefap/tefap-contacts.

[50] 7 C.F.R. 251.5(b).

[51] For an explanation of appropriated mandatory spending, see CRS Report R44582, *Overview of Funding Mechanisms in the Federal Budget Process, and Selected Examples*.

[52] The Further Consolidated Appropriations Act, 2020 (P.L. 116-94); "Explanatory Statement Submitted by Mrs. Lowey, Chairwoman of the House Committee on Appropriations Regarding H.R. 1865, Further Consolidated Appropriations Act, 2020," remarks in the House, *Congressional Record*, daily edition, vol. 165 (December 17, 2019), p. H11168.

[53] USDA-FNS, *2020 President's Budget*, https://www.obpa.usda.gov/32fns2020notes.pdf.

TEFAP's Authorizing Laws

The Emergency Food Assistance Act of 1983: governs TEFAP operations and authorizes mandatory funding for administrative costs (7 U.S.C. 7501-7516)

The Food and Nutrition Act of 2008 (previously the Food Stamp Act): Section 27 authorizes mandatory funding for TEFAP commodities (7 U.S.C. 2036)

Commodity Food Support

Entitlement Commodities

Mandatory funding for TEFAP commodities is authorized by Section 27 of the Food and Nutrition Act (7 U.S.C. 2036). The act authorizes $250 million annually plus additional amounts each year in FY2019 through FY2023 as a result of amendments made by the 2018 farm bill (P.L. 115-334). In FY2019, the additional amount was $23 million; for each of FY2020-FY2023, the additional amount is $35 million. Both the base funding of $250 million and the additional amounts are adjusted for food price inflation.[54] Based on this statutory criteria, the FY2020 appropriation provided $322.3 million for TEFAP's entitlement commodities (contained in the SNAP account) (see **Table 1**).[55]

Appropriations occasionally provide additional discretionary funding for commodities beyond the levels set in the Food and Nutrition Act. Most recently, $19 million was appropriated through a general provision in FY2017.

Historically, appropriations laws have allowed states to convert a portion of their funds for entitlement commodities into administrative funds. In past years, states were allowed to convert 10% of funds; FY2018 and FY2019 appropriations increased the proportion to 15%; and the FY2020 appropriation increased the proportion to 20%. States generally exercise this option; for example, in FY2018 states converted $25.9 million out of a possible $43.1 million in eligible funds.[56] States are also allowed to carry over entitlement commodity funds into the next fiscal year.[57]

Bonus Commodities

Bonus commodities are purchased at USDA's discretion throughout the year using separate (non-TEFAP) USDA budget authority for that purpose. USDA's purchases of bonus commodities are based on agricultural surpluses or other economic problems, as raised by farm and industry organizations or USDA's own commodity experts. The amount and type of bonus commodities that USDA purchases for TEFAP fluctuates from year to year, and depends largely on agricultural

[54] Amounts are adjusted using the Thrifty Food Plan (TFP), a USDA-calculation that estimates the cost of purchasing a nutritionally adequate low-cost diet. The TFP is the cheapest of four diet plans meeting minimal nutrition requirements devised by USDA. USDA calculates the cost of the TFP each year to account for food price inflation; however, the contents of the TFP—often thought of as its own market basket of goods—were last revised in 2006.

[55] The Further Consolidated Appropriations Act, 2020 (P.L. 116-94); "Explanatory Statement Submitted by Mrs. Lowey, Chairwoman of the House Committee on Appropriations Regarding H.R. 1865, Further Consolidated Appropriations Act, 2020," remarks in the House, *Congressional Record*, daily edition, vol. 165 (December 17, 2019), p. H11168.

[56] USDA-FNS, *2020 President's Budget*, https://www.obpa.usda.gov/32fns2020notes.pdf.

[57] This has occurred since FY2015 as a result of a provision in the 2014 farm bill (P.L. 113-79).

market conditions. In FY2018, USDA purchased $308.9 million in bonus commodities for TEFAP. The level of bonus commodities has fluctuated substantially over time (see **Figure 3**).

USDA's 2018 and 2019 Trade Aid Packages

In 2018 and 2019, the Trump Administration announced two trade aid packages aimed at assisting farmers impacted by retaliatory tariffs.[58] USDA's 2018 trade aid package, announced in August 2018, included $1.2 billion in purchases of bonus commodities for distribution to TEFAP and other domestic food assistance programs.[59] USDA's 2019 trade aid package, announced in May 2019, provided another $1.4 billion for such purposes.[60] Trade aid purchases resulted in an influx of bonus commodities in TEFAP in FY2019 that will likely continue into FY2020.

USDA's Purchasing Authorities: Section 32 and the Commodity Credit Corporation

USDA's purchases of bonus commodities stem from two accounts: Section 32 and the Commodity Credit Corporation (CCC).[61]

Section 32 of the Act of August 24, 1935, is a permanent appropriation that sets aside the equivalent of 30% of annual customs receipts to support the farm sector through the purchase of surplus commodities and a variety of other activities.[62] The Section 32 appropriation has totaled nearly $10 billion annually in recent years, a small portion of which goes toward TEFAP commodities.[63] USDA's Agricultural Marketing Service (AMS) makes Section 32 purchases.

The CCC is a government-owned entity that finances authorized programs that support U.S. agriculture. Its operations are supported by USDA's Farm Service Agency. The CCC has permanent, indefinite authority to borrow up to $30 billion from the U.S. Treasury to finance its programs.[64]

Prior to the trade aid purchases, Section 32 has historically financed TEFAP commodities to a greater extent than the Commodity Credit Corporation.[65] Unlike CCC support, which is normally limited to price-supported commodities (such as milk, grains, and sugar), Section 32 is less

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[58] For more information, see CRS Report R45310, *Farm Policy: USDA's 2018 Trade Aid Package*; and CRS Report R45865, *Farm Policy: USDA's 2019 Trade Aid Package*.

[59] For more information, see CRS Report R45310, *Farm Policy: USDA's 2018 Trade Aid Package*; and CRS Report R45865, *Farm Policy: USDA's 2019 Trade Aid Package*. USDA, "USDA Announces Details of Assistance for Farmers Impacted by Unjustified Retaliation," press release, August 27, 2018, https://www.usda.gov/media/press-releases/2018/08/27/usda-announces-details-assistance-farmers-impacted-unjustified. The largest purchases announced include pork, sweet cherries, apples, pistachios, dairy, and almonds.

[60] USDA, "USDA Announces Support for Farmers Impacted by Unjustified Retaliation and Trade Disruption," press release, May 23, 2019, https://www.usda.gov/media/press-releases/2019/05/23/usda-announces-support-farmers-impacted-unjustified-retaliation-and.

[61] For Section 32 purchasing authorities, see Section 32 of the act of August 24, 1935 (P.L. 74-320). For CCC purchasing authorities, see Section 5 of the CCC Charter Act. The Secretary's authority to donate such commodities to TEFAP is established by Section 17 of the Commodity Distribution Reform And WIC Amendments Act Of 1987.

[62] For more information, see CRS Report RL34081, *Farm and Food Support Under USDA's Section 32 Program*.

[63] Section 32 funds bonus commodities in TEFAP. TEFAP's Section 32 funds are considered "post-transfer" funds; that is, they are not included in an initial approximate-$8 billion bulk transfer to the Food and Nutrition Service (FNS) for the child nutrition programs.

[64] For more information, see CRS Report R44606, *The Commodity Credit Corporation: In Brief*.

[65] CRS communication with the Food and Nutrition Service in September 2018.

constrained in the types of commodities that may be provided, and can include meats, poultry, fruits, vegetables, and seafood.

Within USDA, the Food and Nutrition Service (FNS) works closely with AMS and the CCC to determine what purchases are made for TEFAP. FNS also solicits input from state and local agencies. According to TEFAP's authorization of appropriations in the Food and Nutrition Act, USDA must, "to the extent practicable and appropriate, make purchases based on (1) agricultural market conditions; (2) preferences and needs of States and distributing agencies; and (3) preferences of recipients."[66]

Types of Foods

USDA-purchased agricultural products (*USDA Foods*) in TEFAP include a variety of products, such as meats, eggs, vegetables, soup, beans, nuts, peanut butter, cereal, pasta, milk, and juice.[67] Most foods are nonperishable and ready for distribution when delivered to states, although some foods, such as some meat and dairy products, require refrigeration.[68] States and recipient agencies can request entitlement commodities from a list of USDA Foods. USDA selects bonus foods based on market conditions.[69] In FY2018, bonus food purchases included "beans, blueberries, catfish, cheese, cherries, chicken, ground beef, lentils, milk, mixed fruit, peaches, plums, pork chops, raspberries, strawberries, tomato sauce, and turkey."[70]

According to a 2012 USDA study, TEFAP foods are relatively nutritious compared to foods in the average American diet.[71] The study found that TEFAP entitlement and bonus foods delivered to states in FY2009 scored 88.9 points out of a possible 100 points on the Healthy Eating Index—a measure of compliance with federal dietary guidelines—compared to 57.5 points scored by the average American diet.[72] Keeping in mind that TEFAP foods are generally meant to supplement diets, the study also found that these foods would supply 81% of fruits, 69% of vegetables, 98% of grains, 171% of protein, 36% of dairy, 84% of oils, and 39% of the maximum solid fats and added sugars recommended for a 2,000-calorie diet.[73]

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[66] Section 27 of the Food and Nutrition Act of 2008 (codified at 7 U.S.C. 2036(b)).

[67] USDA-FNS, *2020 President's Budget*, https://www.obpa.usda.gov/32fns2020notes.pdf.

[68] C. Cabili, E. Eslami, and R. Briefel, *White Paper on the Emergency Food Assistance Program (TEFAP)*, prepared by Mathematica for the Office of Policy Support, Food and Nutrition Service, U.S. Department of Agriculture, August 2013, https://fns-prod.azureedge.net/sites/default/files/TEFAPWhitePaper.pdf.

[69] USDA-FNS, *USDA Foods Available List for The Emergency Food Assistance Program (TEFAP)*, August 2018, https://fns-prod.azureedge.net/sites/default/files/tefap/tefap-foods-available.pdf.

[70] USDA-FNS, *Emergency Food Assistance Program; Availability of Foods for Fiscal Year 2019*, 84 *Federal Register* 10290, March 20, 2019, https://www.federalregister.gov/documents/2019/03/20/2019-05198/emergency-food-assistance-program-availability-of-foods-for-fiscal-year-2019.

[71] See USDA-FNS, *Nutrient and MyPyramid Analysis of USDA Foods in Five of Its Food and Nutrition Programs*, prepared by Westat for the Office of Research and Analysis, January 2012, p. 3-76 to 3-84, https://fns-prod.azureedge.net/sites/default/files/ops/NutrientMyPyramid.pdf.

[72] Federal dietary guidelines refer to the 2010 USDA Food Patterns, which are based on the Dietary Guidelines for Americans.

[73] USDA-FNS, *Nutrient and MyPyramid Analysis of USDA Foods in Five of Its Food and Nutrition Programs*, prepared by Westat for the Office of Research and Analysis, January 2012, https://fns-prod.azureedge.net/sites/default/files/ops/NutrientMyPyramid.pdf.

Administrative Cash Support

TEFAP provides funds to cover state and recipient agency costs related to processing, storing, transporting, and distributing USDA-purchased commodities, as well as administrative costs related to determining eligibility, training staff, recordkeeping, and publishing announcements.[74] Administrative funds can also be used to support states' food recovery efforts.[75]

The Emergency Food Assistance Act of 1983 authorizes $100 million to be appropriated annually for administrative costs.[76] In FY2020, appropriations provided $79.6 million in discretionary funding for TEFAP administrative funds. The administrative fund appropriation was higher in FY2019 and FY2020 compared to prior years (see **Table 1**).[77] The Emergency Food Assistance Act of 1983 also authorizes up to $15 million to be appropriated for TEFAP infrastructure grants (and this authority was extended by the 2018 farm bill); however, funds have not been appropriated for these grants since FY2010.[78]

The statute specifies that administrative funds must be made available to states, which must in turn distribute at least 40% of the funds to emergency feeding organizations.[79] However, states are required to match whatever administrative funds they keep. As a result, states typically send nearly all of these funds to emergency feeding organizations.[80]

States can convert any amount of their administrative funds to food funds, but this happens to a lesser extent than the conversion of food funds to administrative funds. In FY2018, states converted only $64,214 of administrative funds to food funds.[81]

Table 1. TEFAP Funding, FY2008-FY2020

In millions of dollars

	Appropriations		Purchases
Fiscal Year	**Administrative Funds**	**Entitlement Commodities**	**Bonus Commodities**
2008	49.7	190.0	178.1
2009[a]	49.5	250.0	373.7
2010[a]	49.5	308.0	346.6
2011	49.4	247.5	235.3

[74] Section 204 of the Emergency Food Assistance Act of 1983 (codified at 7 U.S.C. 7508).

[75] Section 203D and Section 204 of the Emergency Food Assistance Act of 1983 (codified at 7 U.S.C. 7507). Also see C. Cabili, E. Eslami, and R. Briefel, *White Paper on the Emergency Food Assistance Program (TEFAP)*, prepared by Mathematica for the Office of Policy Support, Food and Nutrition Service, U.S. Department of Agriculture, August 2013, https://fns-prod.azureedge.net/sites/default/files/TEFAPWhitePaper.pdf.

[76] Section 204 of the Emergency Food Assistance Act Of 1983 (codified at 7 U.S.C. 7508).

[77] Consolidated Appropriations Act of 2018 (P.L. 115-141) and explanatory statement (Division A).

[78] USDA-FNS, *The Emergency Food Assistance Program (TEFAP) General Infrastructure Grant*, https://www.fns.usda.gov/emergency-food-assistance-program-tefap-general-infrastructure-grant; Section 209 of the Emergency Food Assistance Act of 1983 (codified at 7 U.S.C. 7511a).

[79] Section 204 of the Emergency Food Assistance Act Of 1983 (codified at 7 U.S.C. 7508).

[80] For the percentage of administrative funds distributed to recipient organizations by state, see USDA-FNS, "Percentage of TEFAP Administrative Funds Passed Through from State Agencies to Emergency Feeding Organizations (EFO): FY2017," https://fns-prod.azureedge.net/sites/default/files/tefap/tefap-pass-through.pdf.

[81] USDA-FNS, *2020 President's Budget*, https://www.obpa.usda.gov/32fns2020notes.pdf.

	Appropriations		Purchases
Fiscal Year	Administrative Funds	Entitlement Commodities	Bonus Commodities
2012	48.0	260.3	304.2
2013[b]	49.4	265.8	228.5
2014	49.4	268.8	298.8
2015	49.4	327.0	302.9
2016	54.4	318.0	305.5
2017	59.4	316.0	268.6
2018	64.4	289.5	308.9
2019[c]	109.6	294.5	Not avail.
2020	79.6	322.3	Not avail.

Source: FY008-FY2019 data from congressional budget justifications for FY2010-FY2020; FY2020 appropriations from the Further Consolidated Appropriations Act, 2020 (P.L. 116-94) and accompanying explanatory statement.

Notes: Appropriations displayed are prior to any conversions of entitlement commodity funds into administrative funds. Table does not include TEFAP infrastructure grant appropriations (most recently, $6 million was appropriated in FY2010).

a. Note that the American Recovery and Reinvestment Act (ARRA) provided an additional $150 million in funding for TEFAP entitlement commodities and administrative costs in FY2009 and FY2010 (not reflected in table).

b. Table does not include a supplemental appropriation of $5.7 million for TEFAP disaster assistance in FY2013.

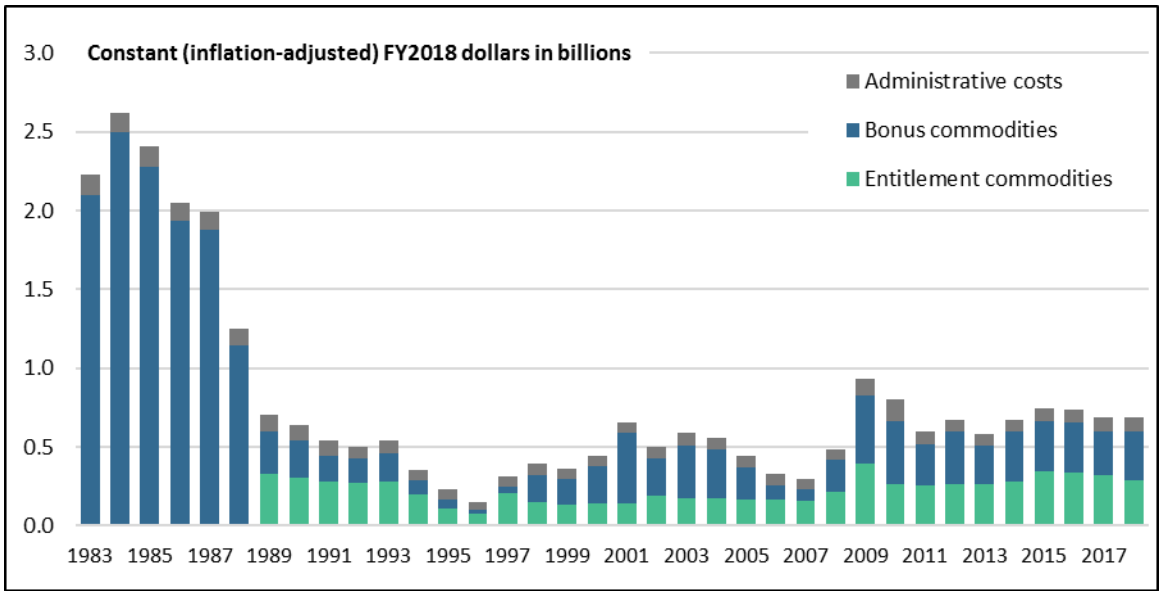
c. The FY2019 administrative fund appropriation includes $30.0 million in a transfer of Commodity Supplemental Food program prior-year funds.

Funding Trends

Figure 3 displays TEFAP's expenditures on administrative costs, entitlement commodities, and bonus commodities from the program's inception (FY1983) to FY2018 (see **Appendix A** for specific dollar amounts). Originally, bonus foods were the only type of commodities in TEFAP; the program served as a means for disposing of large stockpiles of government-held commodities. Beginning in FY1989, the value of bonus foods dropped substantially as federal acquisitions and stocks waned, and commodities purchased specifically for TEFAP became the majority of the commodities in the program according to requirements in law (see **Appendix B**, "Legislative History of TEFAP").

TEFAP expenditures increased in FY2009 and FY2010, largely as a result of additional funding for entitlement commodities and administrative costs provided by the American Recovery and Reinvestment Act of 2009 (ARRA; P.L. 111-5). The 2008 farm bill (P.L. 110-246) also increased funding for TEFAP's entitlement commodities. Since FY2011, spending on bonus and entitlement commodities has fluctuated between approximately $500 million and $600 million (inflation-adjusted).

Figure 3. TEFAP Expenditures (Obligations), FY1983-FY2018



Source: CRS calculations using USDA-FNS budget justifications for FY1983-FY2020. Amounts are in FY2018 dollars, adjusted for inflation by CRS using the Consumer Price Index for All Urban Consumers (CPI-U) U.S. city average series for all items, seasonally adjusted. See **Appendix A** for exact amounts and notes.

State Allocation Formula

TEFAP's entitlement commodity and administrative funds are allocated to states based on a statutory formula that takes into account poverty and unemployment rates.[82] Specifically, USDA calculates each state's share of the total national number of households with incomes below the federal poverty level and each state's share of the total national number of unemployed individuals. A state's share of households in poverty is then multiplied by 60% and its share of unemployed individuals is multiplied by 40% to calculate the state's share of TEFAP commodities and funds. For example, if a state has 4% of all households in poverty and 2% of all unemployed individuals, it would receive (4% x 60% = 2.4%) + (2% x 40% = 0.8%) = 3.2% of TEFAP funds.[83] As noted previously, states may carry over any extra food or administrative funds for one fiscal year (e.g., from FY2019 to FY2020).

State Funding

States must match any administrative funds that are not allocated to emergency feeding organizations or expended by the state on behalf of such organizations.[84] In practice, most states

[82] 7 C.F.R. 251.3(h). Administrative funds use the same formula as commodities according to Section 204 (codified at 7 U.S.C. 7508) of the Emergency Food Assistance Act of 1983.

[83] This explanation draws upon Appendix B of C. Cabili, E. Eslami, and R. Briefel, *White Paper on the Emergency Food Assistance Program (TEFAP)*, prepared by Mathematica for the Office of Policy Support, Food and Nutrition Service, U.S. Department of Agriculture, August 2013, https://fns-prod.azureedge.net/sites/default/files/TEFAPWhitePaper.pdf.

[84] Section 204 of the Emergency Food Assistance Act of 1983.

use 80% to 100% of their administrative funds to support emergency feeding organizations, resulting in a small state match requirement.[85]

Beyond the state match, 14 states reported supplying additional state funds "to support the TEFAP program either directly or indirectly" in the 2015 Washington State Department of Agriculture survey (discussed previously).[86] There is a maintenance of effort requirement in TEFAP, meaning that states cannot reduce their own funding or commodity support for recipient agencies below the level that they were supporting such organizations at the program's inception or FY1988 (when the maintenance of effort went into effect)—whichever is later.[87]

Role of TEFAP During Disaster Response

States have the authority to distribute existing inventories of USDA Foods to disaster relief organizations when the President issues a disaster declaration.[88] This includes foods from TEFAP inventories and other food assistance programs such as the National School Lunch Program.[89] For example, foods intended for TEFAP were used for disaster response in Florida, Texas, and Puerto Rico following Hurricanes Irma, Harvey, and Maria in 2017.[90] TEFAP foods used for disaster assistance are replenished by USDA, so the overall level of commodities in the program is not affected and program operations continue in the aftermath of a disaster.

At times, Congress may appropriate additional funds for TEFAP for the purposes of disaster relief. Most recently, the Bipartisan Budget Act of 2018 (P.L. 115-123) provided $24 million in supplemental funding for TEFAP commodities and administrative funds to jurisdictions that received a major disaster or emergency declaration related to the consequences of Hurricanes Harvey, Irma, and Maria or wildfires in 2017.

The 2018 Farm Bill

In addition to reauthorizing and extending TEFAP's funding, the 2018 farm bill (§4018 of P.L. 115-334) made policy changes to TEFAP. The law authorized *Farm to Food Bank Projects* (as termed by USDA), which are projects that support the harvesting, processing, packaging, and/or transporting of raw or unprocessed commodities from agricultural producers, processors, and distributors to emergency feeding organizations. The law provided $4 million in annual

[85] USDA-FNS, "Percentage of TEFAP Administrative Funds Passed Through from State Agencies to Emergency Feeding Organizations (EFO): FY2017," https://fns-prod.azureedge.net/sites/default/files/tefap/tefap-pass-through.pdf. Exceptions include Delaware, Hawaii, Mississippi, Puerto Rico, and the U.S. Virgin Islands. Note that territories are exempt from the matching requirement if it is under $200,000 (7 C.F.R. 251.9).

[86] See Washington State Department of Agriculture, *The Emergency Food Assistance Program (TEFAP): Distribution National Survey 2015*, AGR 609-574, p. 14, https://agr.wa.gov/FP/Pubs/docs/FSCS/574-TEFAPDistSurvey-2015.pdf.

[87] Section 215 of the Emergency Food Assistance Act of 1983.

[88] USDA-FNS Office of Emergency Management, *Using USDA Foods During Disasters*, https://fns-prod.azureedge.net/sites/default/files/disaster_handout.pdf. For foods that are distributed directly to households, states must seek permission from FNS before distributing foods during or after an emergency. In contrast, foods distributed at mass feeding sites do not need approval if the President has issued a disaster declaration. Households cannot receive both disaster SNAP benefits and disaster USDA Foods.

[89] Ibid. USDA Foods for household consumption are most often obtained from inventories intended for TEFAP, the Commodity Supplemental Food Program, and the Food Distribution Program on Indian Reservations. USDA Foods for mass feeding are most often obtained from inventories intended for the National School Lunch Program.

[90] CRS communication with USDA-FNS in October 2018. Also see USDA-FNS, Food Assistance for Disaster Relief, https://www.fns.usda.gov/disaster/disaster-assistance.

mandatory funding for the projects from FY2019-FY2023 and required at least a 50% nonfederal match. States must include a plan of operations for Farm to Food Bank Projects in their state TEFAP plans in order to receive federal funding. The law gives USDA discretion to determine how funds are allocated to such states; through rulemaking published in October 2019, USDA established that funds would be allocated the same way as current TEFAP entitlement funds, based on their share of households in poverty and unemployed persons (see "State Allocation Formula").[91]

The 2018 farm bill also required states to include, in their TEFAP state plans, a plan to provide emergency feeding organizations and other recipient agencies with the opportunity to provide input on commodity preferences and needs (e.g., in regards to USDA Foods), such as through a state advisory board. In addition, the law required USDA to issue guidance outlining best practices to minimize food waste of commodities donated by non-USDA entities. USDA issued guidance regarding this provision on August 15, 2019.[92]

The TEFAP provisions in the 2018 farm bill largely drew from language in the Senate-passed 2018 farm bill (the Senate version of H.R. 2). The House-passed 2018 farm bill (the House version of H.R. 2) included different TEFAP proposals. The House bill would have provided higher funding for TEFAP's entitlement commodities ($250 million plus $60 million in each of FY2019-FY2023, adjusted annually for inflation).[93] Like the Senate bill, the House bill would have established farm to food bank projects; however, unlike the Senate bill, the House bill would have provided $20 million out of the entitlement commodity appropriation for the projects. In addition, the House bill would have limited the projects to the procurement of excess fresh fruits and vegetables grown in the state or surrounding regions.

[91] USDA-FNS, "The Emergency Food Assistance Program: Implementation of the Agriculture Improvement Act of 2018," 84 *Federal Register* 52997 October 4, 2019, https://www.federalregister.gov/documents/2019/10/04/2019-21665/the-emergency-food-assistance-program-implementation-of-the-agriculture-improvement-act-of-2018.

[92] USDA-FNS, "Best Practices to Minimize Food Waste of Privately Donated Foods to The Emergency Food Assistance Program (TEFAP) State Agencies and Emergency Feeding Organizations," August 15, 2019, https://www.fns.usda.gov/tefap/best-practices-minimize-food-waste.

[93] The Senate funding levels, which were adopted, provided $250 million annually plus $23 million in additional mandatory funds in FY2019 and $35 million each subsequent fiscal year. For comparison, the 2014 farm bill provided $250 million annually plus $50 million in additional mandatory funds in FY2015; $40 million in FY2016; $20 million in FY2017; and $15 million in FY2018 and each subsequent fiscal year. For more on the 2018 farm bills, see CRS Report R45275, *The House and Senate 2018 Farm Bills (H.R. 2): A Side-by-Side Comparison with Current Law*.

Appendix A. TEFAP Expenditures, FY1983-FY2018

Table A-1. TEFAP Expenditures (Obligations), FY1983-FY2018

Constant (inflation-adjusted) FY2018 dollars in millions

Fiscal Year	Administrative Funds	Entitlement Commodities	Bonus Commodities	Total
1983	126.4	0.0	2,098.5	2,224.9
1984	121.4	0.0	2,501.1	2,622.5
1985	133.5	0.0	2,276.4	2,409.9
1986	114.3	0.0	1,934.1	2,048.4
1987	111.1	0.0	1,879.4	1,990.5
1988	106.7	0.0	1,146.5	1,253.3
1989	101.9	326.0	275.5	703.3
1990	97.0	308.5	230.7	636.3
1991	92.4	280.8	165.0	538.1
1992	80.5	271.3	152.6	504.5
1993	78.1	278.5	183.8	540.4
1994	67.8	202.5	82.1	352.4
1995	66.0	107.6	58.1	231.6
1996	49.3	78.8	22.9	151.0
1997	65.2	203.7	46.1	315.0
1998	71.4	153.8	167.3	392.5
1999	69.1	134.6	162.2	365.9
2000	63.8	144.4	236.9	445.1
2001	63.3	141.1	452.6	657.0
2002	75.8	188.2	239.3	503.3
2003	81.4	177.7	330.2	589.4
2004	78.9	171.3	310.6	560.8
2005	75.6	168.4	199.1	443.2
2006[a]	79.0	169.4	83.4	331.8
2007	70.5	158.8	70.8	300.2
2008	66.5	212.3	207.4	486.2
2009[b]	103.5	392.8	436.6	932.9
2010[b]	139.8	266.4	398.2	804.5
2011	78.7	255.6	263.4	597.7
2012	71.9	265.5	332.5	669.8
2013[a]	69.1	265.8	245.7	580.7
2014	73.1	283.6	316.2	672.9

Fiscal Year	Administrative Funds	Entitlement Commodities	Bonus Commodities	Total
2015	78.1	345.0	319.5	742.6
2016	81.4	334.8	319.3	735.5
2017	85.3	323.7	275.1	684.1
2018	90.7	287.5	308.9	687.1

Source: CRS calculations using USDA-FNS budget justifications for FY1983-FY2020. Amounts are in FY2018 dollars, adjusted for inflation by CRS using the Consumer Price Index for All Urban Consumers (CPI-U) U.S. city average series for all items, seasonally adjusted.

Notes: Obligations after conversions. For fiscal years 2002 to 2008, states were allowed to convert $10 million of entitlement commodity funds into administrative funds. For fiscal years 2009 to 2017, states were allowed to convert 10% of entitlement commodity funds into administrative funds. For FY2018, they were allowed to convert 15%. States may convert any amount of administrative funds into food funds, but this happens to a lesser extent. For FY2015-FY2018, table includes any entitlement commodity funds that states carried over into the next fiscal year.

a. Includes roughly $6 million in supplemental funding for disaster relief in FY2006 and FY2013.

b. Includes $178 million in supplemental American Recovery and Reinvestment Act (ARRA) funding in FY2009 and FY2010. ARRA funding included $100 million in TEFAP commodity funding and $50 million in TEFAP administrative funding that was distributed in FY2009 and FY2010. An additional $28 million from the WIC ARRA contingency fund was reprogrammed as TEFAP administrative funds in FY2010.

Appendix B. Legislative History of TEFAP

Legislative History, 1981 to 2001[94]

1980s. TEFAP began in 1981-1982 as a temporary expedient designed to dispose of stockpiles of government-held food commodities. Establishment of TEFAP occurred in the aftermath of noticeable reductions in the coverage of and benefits provided by federal food assistance programs (e.g., food stamps, school meal programs) legislated in 1981 and 1982, and in the midst of an economic recession and concern over hunger and homelessness.

The Reagan Administration began distribution of excess federally held food commodities in 1981-1982. These commodities, often termed *bonus* commodities, were in excess of those needed to fulfill other domestic and international federal commitments to provide food commodities (e.g., to schools operating school meal programs). In 1983, Congress followed up with legislative authority that created what was known for more than a decade as the Temporary Emergency Food Assistance Program (TEFAP), as well as funding for grants to help with distribution costs.[95] Establishment of TEFAP helped reduce federal commodity stocks (and storage costs associated with holding them), provided an alternative source of food assistance for low-income individuals, and supported an expanding network of emergency food aid providers that also drew food and other resources from many nongovernmental sources.

In TEFAP's early years, the only significant federal expenditures involved were appropriations for the grants supporting providers' distribution costs; the bonus commodities that were provided were acquired under separate USDA programs to support the agricultural economy.[96] However, when commodity holdings began to drop substantially in the late 1980s because of changes in agricultural policies and the economy, Congress established the practice of providing federal funds to buy food commodities specifically for donation through TEFAP (in addition to continuing support for cash grants for distribution costs).

1988-1990. In 1988, after the Reagan Administration indicated plans to phase out TEFAP because of the lack of commodity inventories, Congress mandated funding (starting at $120 million for FY1989) in the Hunger Prevention Act of 1988 to buy commodities for distribution through TEFAP, thereby "entitling" the program to a minimum level of support regardless of the level of federal commodity holdings. The law also created a separate mandatory program to buy commodities for soup kitchens and other organizations not receiving TEFAP commodities (mandatory funding was provided at $40 million for FY1989). While some soup kitchens and other entities could receive federal food donations through a small separate initiative to help charitable organizations and others could participate as local TEFAP providers, the separate program was established out of a concern that most commodities for emergency feeding were going to local agencies that distributed food packages directly to individuals and families (e.g., food pantries), rather than to shelters, soup kitchens, and other providers serving meals in congregate settings.

Two years later, the 1990 omnibus farm bill made commodity and cash-grant funding authority for TEFAP and the soup kitchen program discretionary—that is, expenditures on commodities

[94] This legislative history was originally written by Joe Richardson, former CRS Specialist in Social Policy, and Donna V. Porter, former CRS Specialist in Life Sciences, and published in CRS Report RL30164, *The Emergency Food Assistance Program and Emergency Feeding Needs*. It was updated for this report.

[95] The 1990 farm bill (P.L. 101-624) removed "Temporary" from the program title.

[96] There also were some small federal commodity-handling costs that were covered in the regular budgets for agencies dealing with the commodities (e.g., the CCC).

and distribution-cost grants were made dependent on annual appropriations decisions, not mandated by the authorizing law entitling the program to a specific minimum funding level.

1990s. Although the authorizing law for TEFAP, the Emergency Food Assistance Act (EFA) of 1983, has been amended a number of times and the word "Temporary" has been dropped from the program's official title, perhaps the most significant changes since 1988 were made in 1996. The 1996 farm bill (P.L. 104-127) extended the discretionary authority to appropriate money for commodities and distribution-cost grants for TEFAP and soup kitchen programs through FY2002. But, more significantly, the subsequent 1996 welfare reform law (the Personal Responsibility and Work Opportunity Reconciliation Act; P.L. 104-193) changed how these federal efforts are structured and funded.

The welfare reform law (1) consolidated TEFAP and the soup kitchen program in one statute (the EFA) so that states could get a single TEFAP grant of commodities and distribution-cost funds for all types of emergency feeding organizations, and (2) mandated funding of $100 million a year (through FY2002) to purchase food commodities for the program. This was in addition to any commodities that might be bought with money appropriated under discretionary authority in the EFA and any bonus commodities that might be made available at USDA's discretion. This second change was intended to entitle the program to a minimum level of commodity support when regularly appropriated money is not made available to buy commodities or excess federal commodity holdings for TEFAP distribution are minimal or nonexistent. It was accomplished through an amendment to the Food Stamp Act (now, the Food and Nutrition Act) effectively setting aside $100 million a year in "entitlement" appropriations under the act to purchase TEFAP commodities.

As a result, the majority of funding for TEFAP (i.e., for commodity purchases) typically is now made available under the aegis of the Food and Nutrition Act appropriation unless Congress chooses to appropriate additional money for commodities under authority provided in the EFA. The minority of funding—funds for administrative and distribution costs—is appropriated under the authority of the EFA.

Appendix C. TEFAP Funding by State

Table C-1. TEFAP Funding Allocations by State and Territory, FY2019

State/Territory	FY2019 Allocation (entitlement commodity and administrative funds)
Alabama	$6,532,547
Alaska	1,147,381
Arizona	9,518,819
Arkansas	3,934,458
California	49,202,084
Colorado	5,345,599
Connecticut	4,115,772
DC	1,210,392
Delaware	1,219,642
Florida	25,764,399
Georgia	14,373,035
Guam	359,769
Hawaii	1,237,315
Idaho	1,944,522
Illinois	16,984,560
Indiana	7,566,751
Iowa	2,913,005
Kansas	3,432,497
Kentucky	6,413,583
Louisiana	7,417,749
Maine	1,310,217
Maryland	6,449,489
Massachusetts	6,985,816
Michigan	13,173,233
Minnesota	5,318,432
Mississippi	4,705,105
Missouri	7,157,597
Montana	1,282,736
N Mariana Isl.	232,236
Nebraska	1,754,807
Nevada	3,874,261
New Hampshire	1,063,002
New Jersey	9,870,552

State/Territory	FY2019 Allocation (entitlement commodity and administrative funds)
New Mexico	3,482,535
New York	26,144,053
North Carolina	14,592,537
North Dakota	679,771
Ohio	15,535,583
Oklahoma	5,313,211
Oregon	5,110,136
Pennsylvania	16,052,827
Puerto Rico	13,271,945
Rhode Island	1,282,694
South Carolina	6,552,924
South Dakota	979,974
Tennessee	8,232,480
Texas	36,306,909
Utah	2,743,331
Vermont	723,547
Virgin Islands	276,975
Virginia	8,543,588
Washington	8,729,913
West Virginia	2,917,143
Wisconsin	5,881,972
Wyoming	602,026

Source: USDA-FNS, *TEFAP Administrative Funds and Food Entitlement Allocations: FY2019,* December 2019, https://www.fns.usda.gov/tefap/total-tefap-assistance-states.

Notes: Table shows state allocations after conversion of any entitlement commodity funds to administrative funds, and administrative funds to commodity funds. Includes any funds carried over from FY2018.

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