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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 $289.5 million in mandatory funding for TEFAP's "entitlement" commodities in FY2018. 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 $268.6 million worth of bonus commodities for TEFAP in FY2017. A smaller amount of cash assistance ($64.4 million in FY2018) 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 Administration'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 2014 farm bill (P.L. 113-79) extended and provided additional funding for TEFAP's entitlement commodities. Current 2018 farm bill proposals (two versions of H.R. 2) would reauthorize and continue additional funding for entitlement commodities (as of the date of this report). They also include different approaches to incorporating non-federally donated foods and reducing food waste. Recent program developments include TEFAP's use in disaster response and receipt of commodities from the 2018 trade aid package.

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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 several U.S. territories.[3] The program was most recently reauthorized by the 2014 farm bill (P.L. 113-79) and has been included in farm bill reauthorization efforts in the 115th Congress.[4]

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 the state department 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 agency structures the program.[5] 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.[6] **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.

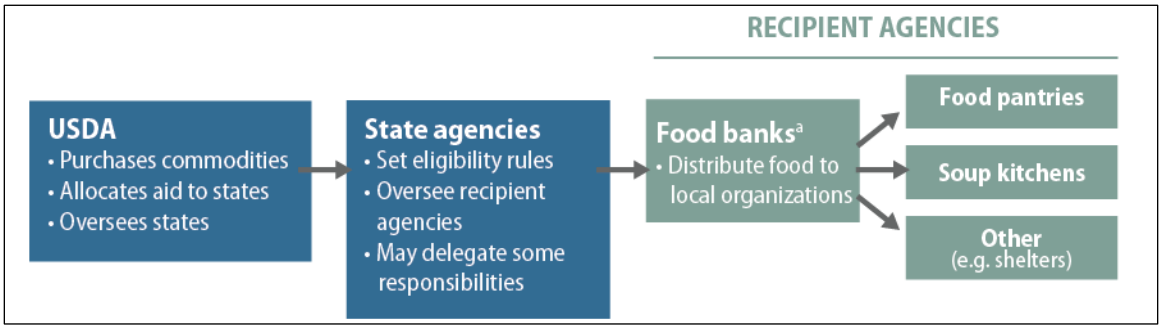
[3] TEFAP operates in the District of Columbia, Puerto Rico, the U.S. Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Guam. Throughout this report, the term "states" is used but is meant to include these other jurisdictions. For an explanation of appropriated mandatory funding,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

[4] See "Reauthorization Proposals in the 115th Congress."

[5] 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.

[6] 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.[7] 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 nearly $354 million in appropriated funding in FY2018, TEFAP is the largest source of federal support for emergency feeding organizations. Other related federal programs include the Federal Emergency Management Administration's (FEMA's) Emergency Food and Shelter Program, funded at $120 million in FY2018, which, among its other services for homeless individuals, provides food through shelters, food banks, and food pantries.[8] In addition, USDA's Commodity Supplemental Food Program, funded at $238 million in FY2018, distributes monthly food packages to low-income elderly individuals through local organizations, which can include food banks and pantries.[9]

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."

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

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

[9] 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 5.9 million households (4.7%) utilized food pantries (see **Figure 2**) and at least 726,000 households (0.6%) utilized soup kitchens in 2017.[10] However, this is likely an underestimate of the population using emergency food assistance because the sample did not include certain households over 185% of poverty 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.[11]

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."[12]

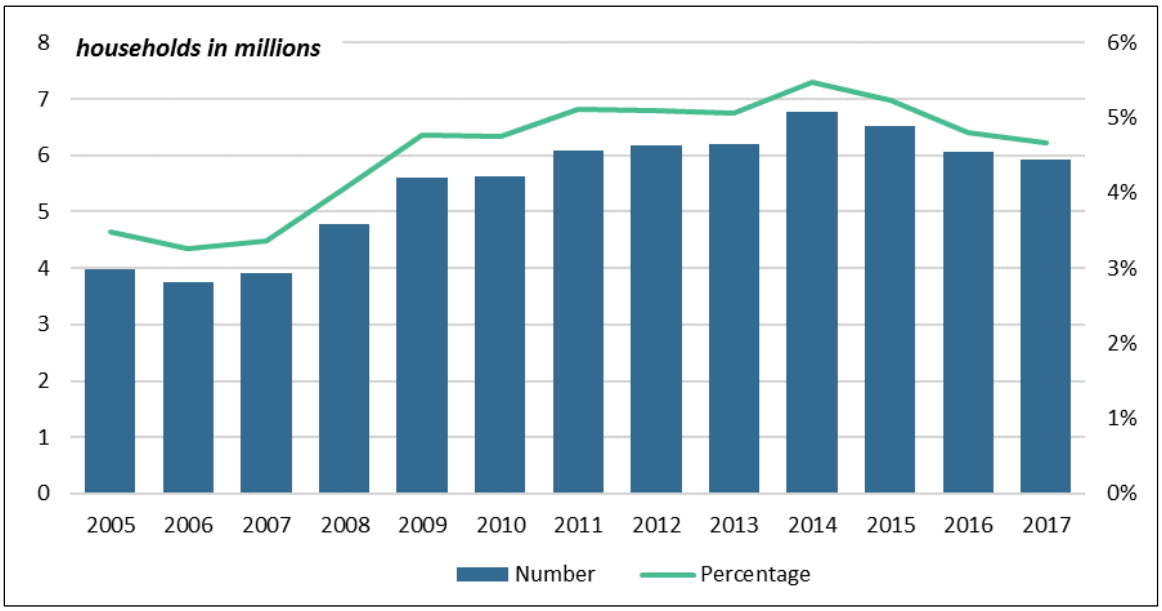
[10] Households can have one or more members. Food pantry use is defined as "receiving emergency food from a church, food pantry, or food bank." A. Coleman-Jensen, M.P. Rabbitt, C.A. Gregory, and A. Singh, *Statistical Supplement to Household Food Security in the United States in 2017*, AP-079, U.S. Department of Agriculture, Economic Research Service, September 2018, p. 21-22, https://www.ers.usda.gov/publications/pub-details/?pubid=90028.

[11] 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.

[12] 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, 2005-2017

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 2005-2017.

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' Current Population Survey (CPS) Food Security Supplement focuses on households under 185% of poverty and excludes homeless individuals and underrepresents those in tenuous housing arrangements. See Statistical Supplement to Household Food Security in the United States in 2017, p. 20, https://www.ers.usda.gov/publications/pub-details/?pubid=90028.

Characteristics of Emergency Food Recipients

Food insecurity is common among households using emergency feeding organizations.[13] According to the ERS analysis, approximately 65% of households using food pantries and soup kitchens were food insecure in 2017, meaning that they had difficulty providing enough food for all of their members at times during the year due to a lack of resources.[14] 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 11.8% in 2017, down from a recent high of 14.9% in 2011.[15]

[13] A. Coleman-Jensen, M.P. Rabbitt, C.A. Gregory, and A. Singh, *Statistical Supplement to Household Food Security in the United States in 2017*, AP-079, U.S. Department of Agriculture, Economic Research Service, September 2018, p. 21-22, https://www.ers.usda.gov/publications/pub-details/?pubid=90028.

[14] 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*.

[15] A. Coleman-Jensen, M.P. Rabbitt, C.A. Gregory, and A. Singh, *Household Food Security in the United States in 2017*, ERR-256, U.S. Department of Agriculture, Economic Research Service, September 2018, p. 7, https://www.ers.usda.gov/publications/pub-details/?pubid=90022.

According to the ERS analysis, households using food pantries were more likely to have incomes below 185% of poverty compared to the general population (70% vs. 21%) and to include children (39% vs. 30%).[16] 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.[17]

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.[18] Among households using feeding organizations affiliated with Feeding America's network, a little more than half (55%) reported receiving SNAP benefits in 2013.[19]

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.[20] FNS then collaborates closely with USDA's purchasing agencies—the Agricultural Marketing Service (AMS) and Commodity Credit Corporation (CCC)—to fulfill the orders.[21] 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.[22] According to a 50-state survey conducted by the Washington State Department of Agriculture in

[16] Low-income defined as below 185% of poverty. A. Coleman-Jensen, M.P. Rabbitt, C.A. Gregory, and A. Singh, *Statistical Supplement to Household Food Security in the United States in 2017*, AP-079, U.S. Department of Agriculture, Economic Research Service, September 2018, p. 21-22, https://www.ers.usda.gov/publications/pub-details/?pubid=90028.

[17] 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.

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

[19] 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.

[20] 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.

[21] 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.

[22] 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).[23]

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."[24]

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.[25] As of 2015, states most commonly housed TEFAP in a health and human services department (18 states), agriculture department (13 states), or education department (8 states).[26] 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.[27]

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.[28] 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.[29] States cannot delegate their responsibility to set eligibility rules or oversee recipient agencies.[30]

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

[23] 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.

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

[25] 7 C.F.R. 251.2.

[26] Washington State Department of Agriculture, *The Emergency Food Assistance Program (TEFAP): Distribution National Survey 2015*, AGR 609-574, pp. 5-6, https://agr.wa.gov/FP/Pubs/docs/FSCS/574-TEFAPDistSurvey-2015.pdf. The remaining 11 states housed TEFAP in another department, such as a family services agency. For a current list of state distributing agencies, see USDA-FNS, *TEFAP State Contacts*, https://www.fns.usda.gov/tefap/tefap-contacts.

[27] 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.

[28] 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.

[29] 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.

[30] 7 C.F.R. 251.5.

recipient agencies each year.[31] If the state finds deficiencies in the course of review, the state 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.[32]

The first category of organizations—emergency feeding organizations (EFOs)—receive priority under TEFAP statute and regulations and the majority of TEFAP aid.[33] EFOs 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."[34] 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.[35] Recipient agencies must also maintain records of the commodities they receive and a list of households receiving TEFAP foods for home consumption.[36] 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.[37] Activities may not disrupt food distribution or meal service and may not be explicitly religious.[38] In addition,

[31] 7 C.F.R. 251.10.

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

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

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

[35] 7 C.F.R. 250.14.

[36] 7 C.F.R. 251.10.

[37] Ibid.

[38] 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-

recipient agencies may not engage in recruitment activities designed to persuade an individual to apply for SNAP benefits.[39]

Characteristics of Emergency Feeding Organizations

The most recent nationally representative survey of emergency feeding organizations (EFOs) was conducted in 2000 by USDA's Economic Research Service (ERS).[40] ERS found that there were approximately 400 food banks, 32,700 food pantries and 5,300 soup kitchens in the U.S. in 2000.[41] 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.[42] 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.[43]

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.[44] 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.[45] All types of EFOs were dependent on volunteers.[46]

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."[47]

Prohibition-Religious-Activities.pdf.

[39] 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.

[40] 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.

[41] 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.

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

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

[44] 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.

[45] Ibid, p. 81.

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

[47] 7 C.F.R. 251.5.

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 poverty.[48] Some states also confer household eligibility based on participation in other federal and state programs ("categorical eligibility").[49]

States may also create other eligibility rules for households' receipt of TEFAP foods, such as requiring identification or proof of residency within the state.[50] However, according to federal regulations, length of residency cannot be a criterion.[51]

Funding and Appropriations

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

Roughly half of the funding for TEFAP's commodities is an appropriated entitlement ("entitlement" commodities), meaning that the authorizing law sets the level of spending but an annual appropriation is needed to provide funding.[52] The other half of TEFAP's commodity funding 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 FY2018, the enacted appropriation provided $289.5 million for entitlement commodities and $64.4 million for administrative costs.[53] 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 FY2017 (the most recent year with complete data), USDA purchased and distributed $268.6 million worth of bonus commodities for TEFAP.[54]

[48] Examples include Arizona, Hawaii, Indiana, Iowa, Massachusetts, Nevada, New Mexico, and Wisconsin, as of the date of this report. 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.

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

[50] 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.

[51] 7 C.F.R. 251.5(b).

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

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

[54] USDA-FNS, *2019 President's Budget*, https://www.obpa.usda.gov/32fns2019notes.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 FY2015 and onwards as a result of amendments made by the 2014 farm bill (P.L. 113-79). For FY2018 and subsequent years, the additional amounts are $15 million annually. Both amounts are adjusted for food price inflation.[55] Based on statute, FY2018 appropriations provided $289.5 million for TEFAP's entitlement commodities (contained in the SNAP account) (see **Table 1**).[56]

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 recent years, states were allowed to convert 10% of funds; FY2018 appropriations increased the proportion to 15%. States generally exercise this option; in FY2017, states converted $22.9 million out of a possible $29.7 million in eligible funds.[57] States are also allowed to carry over entitlement commodity funds into the next fiscal year.[58]

Bonus Commodities

Bonus commodities are purchased at USDA's discretion throughout the year using separate (non-TEFAP) USDA budget authority for that purpose. USDA may learn about these needs through its own commodity experts or be informed of surpluses or other economic problems by farm and industry organizations. The amount and type of bonus commodities that USDA purchases for TEFAP fluctuates from year-to-year, and depends largely on agricultural market conditions.

In FY2017, USDA purchased $268.6 million in bonus commodities for TEFAP. The level of bonus commodities has fluctuated substantially over time (see **Figure 3**).

[55] 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.

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

[57] USDA-FNS, *2019 President's Budget*, https://www.obpa.usda.gov/32fns2019notes.pdf.

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

2018 Trade Aid Package

In August 2018, USDA announced a $1.2 billion purchase of commodities for distribution to TEFAP and other domestic food assistance programs that will likely increase the amount of FY2019 bonus commodities.[59] The purchase is part of the Administration's trade aid package to assist farmers in response to damage from retaliatory tariffs. Given that the value of TEFAP bonus commodities totaled $268.6 million in FY2017, even a portion of the $1.2 billion will result in a large influx of commodities into the program.

For more information, see CRS Report R45310, *Farm Policy: USDA's Trade Aid Package*.

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

USDA's purchases of bonus commodities stems from two accounts: "Section 32" and the Commodity Credit Corporation (CCC).[60]

Section 32 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.[61] The Section 32 appropriation has totaled nearly $10 billion annually in recent years, a small portion of which goes toward TEFAP commodities.[62] 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.[63]

In recent years, Section 32 has financed TEFAP commodities to a greater extent than the Commodity Credit Corporation.[64] Unlike CCC support, which is normally limited to price-supported commodities (such as milk, grains, and sugar), Section 32 is less 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

[59] 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] 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.

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

[62] 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.

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

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

market conditions; (2) preferences and needs of States and distributing agencies; and (3) preferences of recipients."[65]

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.[66] Most foods are nonperishable and ready for distribution when delivered to states, although some foods, such as some meat and dairy products, require refrigeration.[67] States and recipient agencies can request entitlement commodities from a list of USDA Foods. USDA selects bonus foods based on market conditions.[68] In FY2017, bonus foods included Alaska pollock, apples, applesauce, apple slices, beans, blueberries, cranberries, cranberry sauce, eggs, figs, grape juice, peaches, pears, plums, raisins, and turkey.[69]

According to a 2012 USDA study, TEFAP foods are relatively nutritious compared to foods in the average American diet.[70] 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.[71] 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.[72]

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.[73] Administrative funds can also be used to support states' food recovery efforts.[74]

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

[66] USDA-FNS, *2019 President's Budget*, https://www.obpa.usda.gov/32fns2019notes.pdf.

[67] 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.

[68] 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.

[69] USDA-FNS, *Emergency Food Assistance Program; Availability of Foods for Fiscal Year 2018*, 83 *Federal Register* 13945, April, 2, 2018, https://www.federalregister.gov/documents/2018/04/02/2018-06177/emergency-food-assistance-program-availability-of-foods-for-fiscal-year-2018.

[70] 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.

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

[72] 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.

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

[74] 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

The Emergency Food Assistance Act authorizes $100 million to be appropriated annually for administrative costs.[75] In FY2018, appropriations provided $64.4 million in discretionary funding (contained in the Commodity Assistance Program (CAP) account), a slight increase over recent years (see **Table 1**).[76] The act also authorizes up to $15 million to be appropriated for TEFAP infrastructure grants; however, funds have not been appropriated for these grants since FY2010.

The Emergency Food Assistance Act 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.[77] 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.[78]

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 FY2017, states converted $260,250 of administrative funds to food funds.[79]

Table 1. TEFAP Funding, FY2008-FY2018

In millions of dollars

	Appropriations		Purchases
Fiscal Year	**Administrative Funds**	**Entitlement Commodities**	**Bonus Foods**
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
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	n/a

Source: Congressional budget justifications for FY2010-FY2019; Consolidated Appropriations Act of 2018 (P.L. 115-141) and explanatory statement (Division A).

Notes: Appropriations displayed are prior to adjustment for food price inflation, which began in FY2010, and 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).

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.

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

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

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

[78] 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): FY2016," https://fns-prod.azureedge.net/sites/default/files/tefap/tefap-pass-through.pdf.

[79] USDA-FNS, *2019 President's Budget*, https://www.obpa.usda.gov/32fns2019notes.pdf.

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).

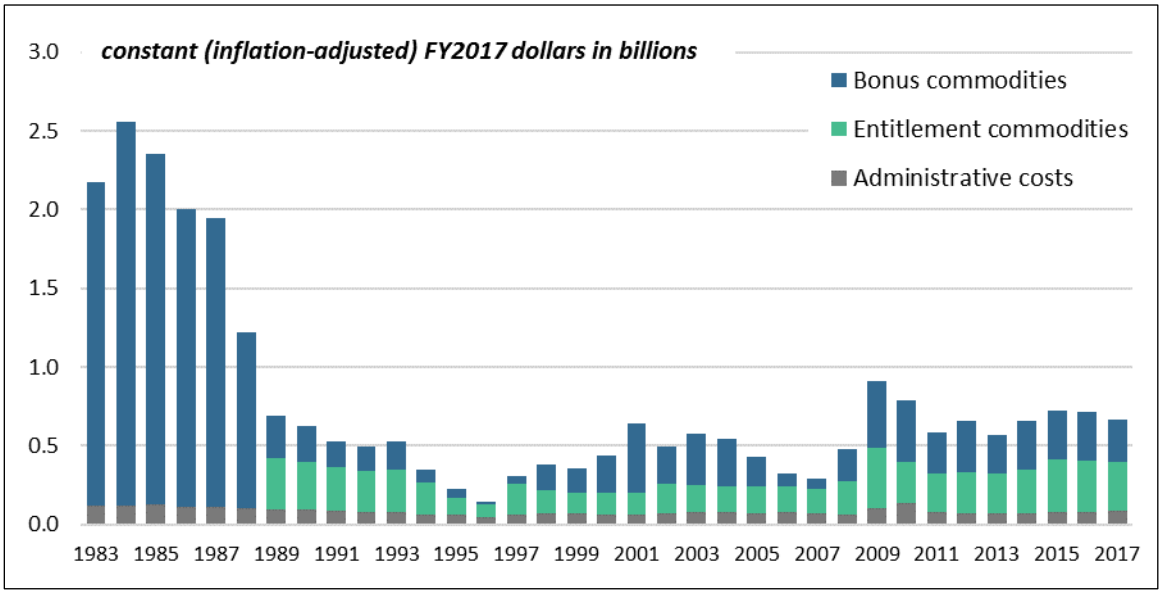
b. Table does not include a supplemental appropriation of $5.7 million for TEFAP disaster assistance in FY2013.

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 $650 million (inflation-adjusted).

Figure 3. TEFAP Expenditures (Obligations), FY1983-FY2017



Source: CRS calculations using USDA-FNS budget justifications for FY1983-FY2019. Amounts are in FY2017 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.[80] 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 0.60 = 2.4%) + (2% x 0.40 = 0.8%) = 3.2% of TEFAP funds.[81] As noted previously, states may carry over any extra food or administrative funds for one fiscal year (e.g., from FY2017 to FY2018).

State Funding

States must match any administrative funds that are not allocated to emergency feeding organizations (EFOs) or expended by the state on behalf of EFOs.[82] In practice, most states use 90% to 100% of their administrative funds to support EFOs, resulting in a small state match requirement.[83]

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).[84] 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.[85]

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.[86] This includes foods from TEFAP

[80] 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.

[81] 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.

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

[83] USDA-FNS, Percentage of TEFAP Administrative Funds Passed Through from State Agencies to Emergency Feeding Organizations (EFO): FY2016, https://fns-prod.azureedge.net/sites/default/files/tefap/tefap-pass-through.pdf. Exceptions include Delaware and South Carolina. Note that territories are exempt from the matching requirement if it is under $200,000 (7 C.F.R. 251.9).

[84] 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.

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

[86] 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.

inventories and other food assistance programs such as the National School Lunch Program.[87] 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.[88] 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. 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.

Reauthorization Proposals in the 115th Congress

The House- and Senate-passed 2018 farm bills (two versions of H.R. 2) include TEFAP provisions. Both bills would extend TEFAP's $250 million (plus inflation adjustment) in mandatory funding for entitlement commodities through 2023. Both bills would also continue the additional mandatory funding for entitlement commodities provided by the 2014 farm bill—the House bill (§4032) to a greater extent than the Senate bill (§4115).[89]

In addition, both bills would authorize new aspects of TEFAP, taking similar but not identical approaches to incorporating new donated foods and reducing food waste. The House bill would establish a "Farm-to-Food-Bank Fund" where, of the TEFAP entitlement commodity funds provided, USDA would be required to distribute $20 million for states or food banks to procure excess fresh fruits and vegetables grown in the state or surrounding regions for distribution to recipient agencies. Meanwhile, the Senate bill would establish "Projects to Harvest, Process, and Package Donated Commodities." This would provide $4 million in mandatory funding for each of FY2019-FY2023 for states and recipient agencies to harvest, process, or package "…commodities donated by agricultural producers, processors, or distributors for use by emergency feeding organizations." Federal funds may not exceed 50% of the cost of the projects.

The Senate bill would also require state agencies to include, in their TEFAP state plans, a plan to provide emergency feeding organizations or recipient agencies with an opportunity to provide input on commodity preferences and needs. It would also require the Secretary to issue guidance outlining best practices to minimize food waste of commodities donated by non-USDA entities. Finally, the bill would reauthorize discretionary funding of $15 million annually for TEFAP infrastructure grants through FY2023.[90]

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[87] 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.

[88] 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.

[89] The House bill would provide $60 million in additional mandatory funds per year, beginning in FY2019. The Senate bill would provide $23 million in additional mandatory funds in FY2019 and $35 million each subsequent fiscal year. For comparison, the 2014 farm bill provided $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*.

[90] 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).

Appendix A. TEFAP Expenditures, FY1983-FY2017

Table A-1. TEFAP Expenditures (Obligations), FY1983-FY2017

Constant (inflation-adjusted) FY2017 dollars in millions

Fiscal Year	Administrative Funds	Entitlement Commodities	Bonus Commodities	Total
1983	123.4	0.0	2048.9	2172.3
1984	118.5	0.0	2442.0	2560.5
1985	130.3	0.0	2222.5	2352.8
1986	111.6	0.0	1888.3	1999.9
1987	108.5	0.0	1834.9	1943.4
1988	104.2	0.0	1119.4	1223.6
1989	99.5	318.3	268.9	686.7
1990	94.7	301.2	225.3	621.3
1991	90.2	274.2	161.1	525.4
1992	78.6	264.9	149.0	492.5
1993	76.3	271.9	179.4	527.6
1994	66.2	197.7	80.1	344.1
1995	64.4	105.0	56.7	226.1
1996	48.1	76.9	22.4	147.4
1997	63.6	198.9	45.0	307.5
1998	69.7	150.2	163.4	383.2
1999	67.5	131.4	158.4	357.3
2000	62.3	140.9	231.3	434.5
2001	61.8	137.8	441.9	641.5
2002	74.0	183.7	233.6	491.4
2003	79.5	173.5	322.4	575.4
2004	77.1	167.2	303.3	547.6
2005	73.8	164.4	194.4	432.7
2006[a]	77.2	165.4	81.4	324.0
2007	68.9	155.1	69.1	293.1
2008	64.9	207.3	202.5	474.7
2009[b]	101.1	383.5	426.3	910.8
2010[b]	136.5	260.1	388.8	785.5
2011	76.8	249.6	257.1	583.5
2012	70.2	259.2	324.6	654.0
2013[a]	67.5	259.5	239.9	567.0
2014	71.4	276.9	308.7	657.0

Fiscal Year	Administrative Funds	Entitlement Commodities	Bonus Commodities	Total
2015	76.2	336.8	312.0	725.0
2016	79.5	326.9	311.8	718.1
2017	83.3	316.0	268.6	667.9

Source: CRS calculations using USDA-FNS budget justifications for FY1983-FY2019. Amounts are in FY2017 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. States may convert any amount of administrative funds into food funds, but this happens to a lesser extent. For FY2015-FY2017, 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[91]

1980s. TEFAP began in 1981-82 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.[92] 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 non-governmental 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.[93] 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 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 (mandating funding starting 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"—i.e., expenditures on commodities and

[91] 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.

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

[93] 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).

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 non-existent. 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, FY2017

State/Territory	FY2017 Allocation ($) (food and administrative funds)
Alabama	$6,616,025
Alaska	794,741
Arizona	8,959,135
Arkansas	3,658,113
California	47,291,029
Colorado	4,670,726
Connecticut	3,769,531
DC	1,001,362
Delaware	932,572
Florida	23,498,952
Georgia	12,780,331
Guam	306,682
Hawaii	1,204,160
Idaho	1,742,518
Illinois	15,679,899
Indiana	7,295,801
Iowa	2,955,550
Kansas	2,862,882
Kentucky	5,703,028
Louisiana	6,602,360
Maine	1,276,069
Maryland	5,479,652
Massachusetts	6,577,149
Michigan	11,537,938
Minnesota	4,664,821
Mississippi	4,533,979
Missouri	6,675,593
Montana	1,087,842
Northern Mariana Isl.	188,491
Nebraska	1,649,544
Nevada	3,697,275
New Hampshire	899,773
New Jersey	8,502,415

State/Territory	FY2017 Allocation ($) (food and administrative funds)
New Mexico	3,091,019
New York	22,687,388
North Carolina	12,337,901
North Dakota	601,909
Ohio	13,314,802
Oklahoma	4,382,219
Oregon	4,751,948
Pennsylvania	13,731,577
Puerto Rico	10,261,328
Rhode Island	1,227,946
South Carolina	5,977,214
South Dakota	746,851
Tennessee	7,834,994
Texas	30,921,709
Utah	2,550,338
Vermont	508,562
Virgin Islands	204,560
Virginia	7,441,253
Washington	2,421,023
West Virginia	7,933,806
Wisconsin	5,747,868
Wyoming	577,854

Source: USDA-FNS, *TEFAP Administrative Funds and Food Entitlement Allocations: FY2017,* October 2017, https://fns-prod.azureedge.net/sites/default/files/tefap/tefap-entitlement-allocations.pdf.

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 FY2016.

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