

## Food and Nutrition Service, USDA

## § 248.2

CSFP applicants or participants who believe they have been discriminated against should file a discrimination complaint with the USDA Director, Office of Civil Rights, Room 326W, Whitten Building, 1400 Independence Avenue, SW., Washington, DC 20250-9410, or telephone (202) 720-5964.

### PART 248—WIC FARMERS' MARKET NUTRITION PROGRAM (FMNP)

#### Subpart A—General

Sec.

- 248.1 General purpose and scope.
- 248.2 Definitions.
- 248.3 Administration.

#### Subpart B—State Agency Eligibility

- 248.4 State Plan.
- 248.5 Selection of new State agencies.

#### Subpart C—Recipient Eligibility

- 248.6 Recipient eligibility.
- 248.7 Nondiscrimination.

#### Subpart D—Recipient Benefits

- 248.8 Level of benefits and eligible foods.
- 248.9 Nutrition education.

#### Subpart E—State Agency Provisions

- 248.10 Coupon and market management.
- 248.11 Financial management system.
- 248.12 FMNP costs.
- 248.13 FMNP income.
- 248.14 Distribution of funds.
- 248.15 Closeout procedures.
- 248.16 Administrative appeal of State agency decisions.

#### Subpart F—Monitoring and Review of State Agencies

- 248.17 Management evaluations and reviews.
- 248.18 Audits.
- 248.19 Investigations.

#### Subpart G—Miscellaneous Provisions

- 248.20 Claims and penalties.
- 248.21 Procurement and property management.
- 248.22 Nonprocurement debarment/suspension, drug-free workplace, and lobbying restrictions.
- 248.23 Records and reports.
- 248.24 Other provisions.
- 248.25 FMNP information.
- 248.26 OMB control number.

AUTHORITY: 42 U.S.C. 1786.

SOURCE: 59 FR 11517, Mar. 11, 1994, unless otherwise noted.

### Subpart A—General

#### § 248.1 General purpose and scope.

This part announces regulations under which the Secretary of Agriculture shall carry out the WIC Farmers' Market Nutrition Program. The dual purposes of the FMNP are:

- (a) To provide resources in the form of fresh, nutritious, unprepared foods (fruits and vegetables) from farmers' markets to women, infants, and children who are nutritionally at risk and who are participating in the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) or are on the waiting list for the WIC Program; and
- (b) To expand the awareness, use of and sales at farmers' markets.

This will be accomplished through payment of cash grants to approved State agencies which administer the FMNP and deliver benefits at no cost to eligible persons. The FMNP shall be supplementary to the food stamp program carried out under the Food Stamp Act of 1977 (7 U.S.C. 2011 *et seq.*) and to any other Federal or State program under which foods are distributed to needy families in lieu of food stamps.

#### § 248.2 Definitions.

For the purpose of this part and all contracts, guidelines, instructions, forms and other documents related hereto, the term:

*Administrative costs* means those direct and indirect costs, exclusive of food costs, as defined in § 248.12(b), which State agencies determine to be necessary to support FMNP operations. Administrative costs include, but are not limited to, the costs of administration, start-up, training, monitoring, auditing, the development of and accountability for coupon and market management, nutrition education, outreach, eligibility determination, and developing, printing, and distributing coupons.

*Compliance buy* means a covert, on-site investigation in which a FMNP