



JUL 16 2008

**United States  
Department of  
Agriculture**

Food and  
Nutrition  
Service

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Center Drive

Alexandria, VA  
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**SUBJECT:** Implementation of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246) – The Emergency Food Assistance Program (TEFAP)

On June 18, 2008, the Food, Conservation, and Energy Act of 2008 (the “Farm Bill”) was enacted into law. The purpose of this memorandum is to implement the provisions of the Farm Bill relative to TEFAP.

### **Commodity Funds**

Section 4201(a) of the Farm Bill increased the amount of funds available to purchase TEFAP commodities from \$140 million to \$190 million for FY 2008 and makes available \$250 million for FY 2009. In addition, for FYs 2010 through 2012, the \$250 million base amount will be adjusted annually for inflation. Since the Farm Bill requires the use of funds appropriated under the Food Stamp account to purchase commodities at the level specified for FY 2008, each State’s commodity entitlement has been adjusted to reflect the increase.

### **Administrative Funds**

Section 4201(c) of the Farm Bill makes the authorization for TEFAP administrative funds permanent. It also increased the authorized level of funds from \$60 million to \$100 million annually beginning FY 2008. However, since no additional administrative funds were provided in the Farm Bill, the amount of administrative funds available to support the program remains at \$49.65 million for FY 2008. Consistent with current policy, the Farm Bill now provides specific statutory authority permitting the use of TEFAP administrative funds to pay costs associated with the distribution of donated wild game.

### **State Plans**

Previously, States were required to submit a plan of operation and administration every four years to the Secretary for approval. Section 4201(b) of the Farm Bill eliminates the requirement. As a result, TEFAP State plans become permanent. However, the Farm Bill requires that if a State proposes to make a change in the operation or administration of its program, the State must submit an amendment to the plan for the Secretary’s approval.

The provision making State plans permanent becomes effective on October 1, 2008. In accordance with current regulations, States are required to submit a State plan by August 15, 2008. However, since the Farm Bill makes State plans permanent on October 1, only amendments describing changes in aspects of program administration that are described in the plan must be submitted to FNS regional offices by August 15, 2008.

TEFAP Farm Bill Implementation

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Program regulations (7 CFR Part 251) will be amended to incorporate specific reference to the use of TEFAP administrative funds to pay costs associated with the distribution of donated wild game and to make State plans permanent in the near future.

Should you have any questions as to the implementation of the Farm Bill with regard to TEFAP, please contact Michelle Waters or Lillie Ragan at (703) 305-2662.



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Director

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