

October 18, 2007

SUBJECT: Authority to Operate the Disaster Food Stamp Program

TO: All Regional Administrators
Food and Nutrition Service

This memorandum seeks to clarify questions raised by State agencies attending the July Disaster Food Stamp Program (DFSP) training in Biloxi, Mississippi concerning the authorities under which the Food and Nutrition Service (FNS) may authorize operation of the DFSP.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act provides the Secretary of Agriculture with the authority to operate a DFSP when affected areas have received a Presidential major disaster declaration and when commercial channels of food distribution are available. The Food Stamp Act provides the Secretary of Agriculture with the authority to establish temporary emergency standards of eligibility for households who are victims of a disaster that disrupts commercial channels of food distribution after those channels have been restored.

As the DFSP provides an entire month's benefits and is administratively challenging for State agencies to deliver, FNS must target DFSP resources to areas where they are most needed. Therefore, for the vast majority of disasters, the FNS has elected to approve the operation of the DFSP under Stafford Act authority when affected areas have received a Presidential declaration for individual assistance. This is because project areas that have Presidential declaration of individual assistance clearly contain an appreciable number of households in need of personal assistance and are much more likely to require intensive food aid than areas without such a declaration. We believe that aligning our aid with the President's declarations of individual assistance will allow us to provide aid to affected households in a consistent manner.

Should there arise an extraordinary situation that does not receive a Presidential declaration for individual assistance, yet merits some nutrition response beyond the regular program, FNS can consider use of the Food Stamp Act authority, but only after consulting with officials empowered to exercise the authority of the Stafford Act.

FNS will add this clarification of DFSP authority to the 2008 revision of the DFSP Guidance.

/s/

Roberto Salazar
Administrator