



Food and
Nutrition
Service

DATE: May 9, 2017

Park Office
Center

POLICY NO: FD-143: The Food Distribution Program on Indian Reservations (FDPIR) and The Emergency Food Assistance Program (TEFAP)

3101 Park
Center Drive
Alexandria
VA 22302

SUBJECT: Prohibition of SNAP Recruitment and Promotion Activities by FDPIR and TEFAP Administering Agencies

The purpose of this memorandum is to provide more information on the final rule *Supplemental Nutrition Assistance Program Promotion* recently published by USDA at 81 FR 92550: <https://www.federalregister.gov/documents/2016/12/20/2016-30621/supplemental-nutrition-assistance-program-promotion>. This final rule was effective January 19, 2017 and applies to the Supplemental Nutrition Assistance Program (SNAP), the Food Distribution Program on Indian Reservations (FDPIR), and The Emergency Food Assistance Program (TEFAP).

The *Supplemental Nutrition Assistance Program Promotion* final rule implements Section 4018 of the Agricultural Act of 2014 (the 2014 Farm Bill). Specifically, this rule prohibits the use of Federal funds authorized in the Food and Nutrition Act of 2008 (FNA) from being used for: recruitment activities designed to persuade an individual to apply for SNAP benefits; television, radio, or billboard advertisements that are designed to promote SNAP benefits and enrollment; or agreements with foreign governments designed to promote SNAP benefits and enrollment. The FNA provides authorization of funds for SNAP, for food purchases and administrative costs for FDPIR, and for food purchases for TEFAP. As such, this prohibition applies to all FDPIR administering agencies and TEFAP State and local agencies in receipt of USDA donated foods.

Note, USDA's Food and Nutrition Service (FNS) uses FNA funds appropriated for TEFAP to purchase USDA Foods for distribution to TEFAP State and local agencies. For the small percentage of funds that a TEFAP State agency may convert from their fair share of TEFAP food funds into administrative funds, program regulations would prevent their use for banned recruitment and promotion activities. Per 7 CFR part 251, TEFAP administrative funds can only be used to pay the direct expenses associated with the distribution of USDA Foods as well as foods secured from other sources to the extent that the foods are ultimately distributed by eligible recipient agencies which have entered into agreements to operate TEFAP. Therefore, using TEFAP funds authorized in the FNA for banned recruitment and promotion activities is already prohibited under existing program regulations.

This final rule also prohibits any entity that receives funds under the FNA from compensating any person engaged in outreach or recruitment activities based on the number of individuals who apply to receive SNAP benefits regardless of the source of funding (e.g. State, Tribal, or private funds). Therefore, all FDPIR administering

agencies and TEFAP agencies in receipt of USDA donated foods are prohibited from using any funds to compensate outreach workers based on the number of individuals who apply for SNAP as a result of that worker's efforts.

We do not anticipate significant impact of this requirement on State agencies, Indian Tribal Organizations, or local agencies operating TEFAP or FDPIR. However, if you have questions and need guidance, please do not hesitate to reach out to your designated FNS Regional Office.

/s/ Original Signature on File

Laura Castro

Director

Food Distribution Division