

Snapshot of Proposed Regulatory Changes: Food Distribution Programs: Improving Access & Parity Proposed Rule

Program	Current Provision	Proposed Provision
CSFP	Maximum CSFP income eligibility standards set at 130% of the federal poverty level. States can elect to set lower than 130%.	Maximum CSFP income eligibility standards set at 150% of the federal poverty level while requesting public comment on a standard of 185%. States can still elect a lower level.
CSFP	No current requirement.	Requesting public comment on allowing CSFP applicants to be categorically eligible for the program via participation in other Federal means-tested programs with income limits at or below the CSFP threshold.
CSFP	CSFP participants, or their proxies, must show some form of identification prior to receiving a food package.	CSFP State and local agencies may establish other methods of verifying the identity of participants when receiving a food package.
CSFP	No current requirement.	CSFP State agencies are required to annually post a list of all local agencies and recipient agencies on a public webpage, as well as making the current State Plan available on a public webpage.
CSFP	No current requirement.	Where applicable, local agencies must share written information and referrals to the Senior Farmers' Market Nutrition Program to expand awareness and access to the program.
CSFP	Technical corrections.	Replaces the outdated term "commodities" with "USDA Foods." Removes references to "elderly" and replace with "participants" as the program is now seniors only. Removes cross-citations to WIC regulations as the program is now seniors only. Updates nondiscrimination statement language.

Program	Current Provision	Proposed Provision
USDA Foods in Disasters	Simultaneous provision of USDA Foods and Disaster Supplemental Nutrition Assistance Program (D-SNAP) benefits during a disaster is prohibited.	Simultaneous provision of USDA Foods and Disaster Supplemental Nutrition Assistance Program (D-SNAP) benefits during a disaster is allowed.
USDA Foods in Disasters	State distributing agencies report types and amounts of USDA Foods used in disaster assistance 45 days after the termination of disaster assistance.	State distributing agencies operating a disaster household distribution past 14 calendar days must submit a weekly report to FNS on the number of individuals served and on the amount of USDA Foods issued.
USDA Foods in Disasters	No current requirement.	Adds a provision directing State agencies to ensure that the use of USDA Foods for disaster response activities does not have an ongoing negative impact on the operation of other programs.
USDA Foods in Disasters	Technical corrections.	Reorganizes regulations for readability and clarity. Replaces outdated term “donated foods” with “USDA Foods” throughout.
TEFAP	State agencies must set income eligibility guidelines for household distribution that ensure only ‘needy’ households are served. There is no required income eligibility range. Current State-set guidelines range from 125% to 400% for FPL.	State agencies must set income eligibility guidelines between 185% - 250% of the Federal Poverty Guidelines and may submit a request to FNS to establish guidelines at a higher level, with justification.
TEFAP	Eligible recipient agencies must collect the address of all households receiving TEFAP foods for home consumption (to the extent practicable) to ensure the household resides in the geographic location served by the State agency.	State agencies must develop a process for requesting residency information from households to determine eligibility but may not require households to provide an address or identification to confirm residency. For example, State agencies could implement a process that would allow self-declaration of residency as some do for income.
TEFAP	TEFAP State agencies are required to maintain a list of all eligible recipient agencies.	TEFAP State agencies required to annually post a list of all eligible recipient agencies on a public webpage, in addition to making participant eligibility information available on a public webpage.
TEFAP	TEFAP distribution sites must collect and maintain on record the number of persons in each household receiving USDA Foods for home consumption, as well as other household information.	State agencies must report the total number of individuals participating in TEFAP in each month to FNS on a quarterly basis.

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TEFAP	No current requirement.	TEFAP participant information must be kept confidential and limits are established on the disclosure of information obtained from applicants or participants and the identity of persons making a complaint or allegation against persons participating in or administering the program.
TEFAP	FNS encourages eligible recipient agencies to implement or expand TEFAP distributions in rural areas.	FNS encourages State agencies and eligible recipient agencies to implement or expand TEFAP distributions in rural, remote, and Tribal areas.
TEFAP	Technical corrections.	Replaces outdated term “commodities” with “USDA Foods.” Updates definition of “food bank” for clarity. Reorganizes “Miscellaneous provisions” section for readability and clarity. Updates nondiscrimination statement language. Revises Farm to Food Bank Project regulations for clarity.
FDPIR	Any urban place (defined as a city/town with a population of 10,000+) outside of the reservation boundaries may not be served unless an ITO or State agency requests to serve the area with a justification.	Any urban place outside of the reservation boundaries may be served by the ITO without justification.
FDPIR	No current regulatory waiver authority.	FNS may waive or modify specific regulatory requirements for ITOs in certain situations. Waivers must be approved by FNS and may only be issued in specific situations outlined by FNS.
FDPIR	FDPIR shelter and utility deduction is based on regional averages from SNAP data, adjusted for inflation and FDPIR participation. SNAP data is two years old when used.	FDPIR shelter and utility standard deductions are increased to the level of the SNAP maximum deduction, and FDPIR households may use actual expenses to calculate the deductions.
FDPIR	Separate household status cannot be granted to spouses not living together. Therefore, if a legally married couple lives separately and one of the individuals is receiving FDPIR or SNAP benefits, the other cannot receive FDPIR as a separate household. Children under the age of 18 under the parental control of a member of the household cannot receive separate household status.	Separated household status can be granted to separated spouses who are living apart. Requirements for determining parental control of minor children mimic SNAP regulations: a child must be considered under parental control if they are financially or otherwise dependent on a member of the household.

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FDPIR	FNS makes ad-hoc changes to food packages at the request of stakeholders and in consultation with the FDPIR Food Package Review Work Group.	FNS is required to periodically assess how USDA Foods provided in FDPIR compare to the DGAs and to adjust food package contents to ensure they are consistent with basic dietary needs.
FDPIR	FDPIR base income eligibility thresholds are set using 100% of the U.S. Federal Poverty Guidelines and increased by the SNAP standard deduction by household size. Further deductions (e.g., shelter and utility) may be applied.	Requesting public comment on whether there are data sources outside of HHS that FNS should also consider when establishing income guidelines for FDPIR, and/or whether FNS should consider use of a gross income eligibility requirement without deductions.
FDPIR	Current formula for administrative funds allocated to FNS Regional Offices: <ul style="list-style-type: none"> •65% of all administrative funds are allocated based on number of participants in each region •35% of funds allocated to FNS Regional Offices are proportional to number of State agencies administering the program in each region 	Requesting public comment from FDPIR administering agencies on whether the current administrative funding methodology provides adequate funding to meet needs, how the methodology could be improved, and the effectiveness of the current regional allocation and budget negotiation process. Also requesting comment on whether another model would better serve ITOs.
FDPIR	Technical corrections.	Replaces outdated term “commodities” with “USDA Foods.” Replaces outdated term “Food Stamps” with “SNAP.” Updates outdated language and misspellings throughout the regulations. Clarifies that households can participate in FDPIR and other USDA Foods programs in the same month. Removes outdated references to SSI recipients in “cash-out” states. Corrects verification for recertification threshold from \$50 to \$100.