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The Emergency Food Assistance Program (TEFAP): Background and Funding

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The Emergency Food Assistance Program (TEFAP) is a federal food distribution program that supports food banks, food pantries, soup kitchens, and other emergency feeding organizations serving low-income Americans. Federal assistance takes the form of federally purchased commodities—including fruits, vegetables, meats, and grains—and funding for administrative costs. Food aid and funds are distributed to states using a statutory formula that takes into account poverty and unemployment rates. TEFAP is administered by the U.S. Department of Agriculture’s (USDA’s) Food and Nutrition Service (FNS).

TEFAP was established as the Temporary Emergency Food Assistance Program by the Emergency Food Assistance Act of 1983. The Emergency Food Assistance Act continues to govern program operations, while the Food and Nutrition Act authorizes funding for TEFAP’s entitlement commodities. TEFAP also incorporates bonus commodities, which are distributed at USDA’s discretion throughout the year to support different crops using separate budget authority. A smaller amount of discretionary funding is appropriated annually to cover administrative and distribution costs under Emergency Food Assistance Act authority. In addition to normal aid, additional commodities and administrative funds have been distributed through TEFAP in recent years as a result of USDA’s Trade Mitigation Food Purchase and Distribution Program and supplemental appropriations from COVID-19 pandemic response laws. In FY2022, federal spending on TEFAP was approximately \$1.6 billion.

FNS coordinates the purchasing of commodities and the allocation of commodities and administrative funds to states, and provides general program oversight. State agencies—often state departments of health and human services, agriculture, or education—determine program eligibility rules and allocations of aid to feeding organizations (called *recipient agencies*). States often task food banks, which operate regional warehouses, with distributing foods to other recipient agencies. TEFAP aid makes up a modest proportion of the food and funds available to emergency feeding organizations, which are reliant on private donations as well.

TEFAP is the primary federal program supporting emergency feeding organizations. Other related food distribution programs focus on specific subpopulations; for example, the Federal Emergency Management Agency’s (FEMA’s) Emergency Food and Shelter Program distributes food to organizations serving homeless individuals and USDA’s Commodity Supplemental Food Program distributes food to organizations serving older individuals with low incomes.

TEFAP is typically amended and reauthorized through farm bills. Most recently, the 2018 farm bill (P.L. 115-334) extended funding for TEFAP’s entitlement commodities through FY2023. The law also funded new projects aimed at facilitating donations from farmers and other agricultural producers, processors, and distributors to emergency feeding organizations. Recent program developments include the program’s use in response to the COVID-19 pandemic, grants aimed at expanding TEFAP’s reach into underserved areas, and TEFAP’s receipt of trade mitigation commodities.

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Introduction

The Emergency Food Assistance Program (TEFAP; previously the *Temporary Emergency Food Assistance Program*) provides federally purchased commodities and a smaller amount of cash support to food banks, food pantries, soup kitchens, shelters, and other types of emergency feeding organizations serving low-income households and individuals.¹ Commodities include fruits, vegetables, meats, and grains, among other foods.² In addition to serving individuals, TEFAP's domestic commodity purchases support the agricultural economy by reducing supply on the market, thereby increasing food prices. TEFAP is administered by the U.S. Department of Agriculture's (USDA's) Food and Nutrition Service (FNS).

TEFAP was established under the Emergency Food Assistance Act of 1983 in an effort to dispose of government-held agricultural surpluses and alleviate hunger in the wake of a recession and declining food stamp benefits.³ Since then, TEFAP has evolved into a permanent program that operates in all 50 states, the District of Columbia, and four U.S. territories.⁴ The program was most recently reauthorized by the 2018 farm bill (P.L. 115-334).

At the federal level, TEFAP is administered by FNS in collaboration with USDA's purchasing agency, the Agricultural Marketing Service (AMS). At the state level, TEFAP is administered by a *state distributing agency* designated by the governor or state legislature; generally, these are state departments of health and human services, agriculture, or education. Federal commodities and funds may flow through the state or directly to feeding organizations (called *recipient agencies*) based on how the state structures the program.⁵ States will often task food banks with processing and distributing food to local feeding organizations. Food banks typically operate regional warehouses and distribute food to other organizations rather than to households directly.⁶ **Figure 1** depicts the flow of commodities and funds through TEFAP.

¹ The 1990 farm bill (P.L. 101-624) removed "Temporary" from the program title.

² USDA, FNS, "USDA Foods Available List for The Emergency Food Assistance Program (TEFAP) FY2023," April 2023, <https://www.fns.usda.gov/tefap/usda-foods-available-list-tefap>.

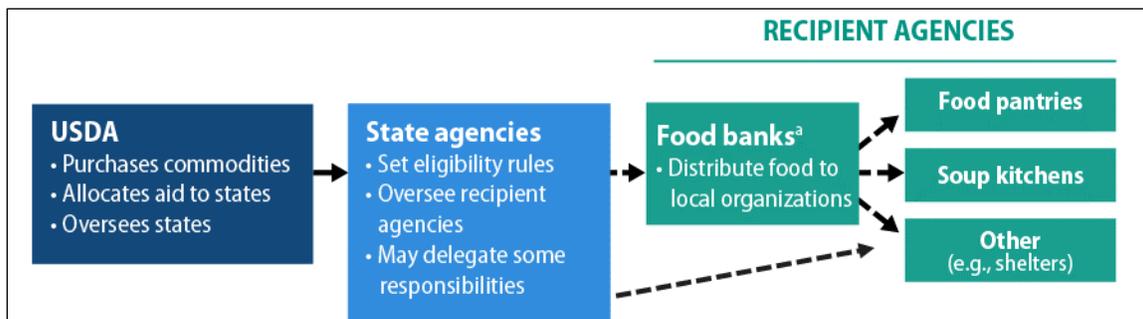
³ See **Appendix C** for further legislative history.

⁴ Puerto Rico, the U.S. Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Guam. Throughout this report, the term *states* includes these other jurisdictions. For an explanation of appropriated mandatory funding, see CRS Report RS20129, *Entitlements and Appropriated Entitlements in the Federal Budget Process*.

⁵ Consistent with statute and regulations, this report uses the term *recipient agency* to describe organizations receiving TEFAP support. Emergency feeding organizations are the most common type of recipient agency.

⁶ See "Program Administration" for further discussion of federal, state, and local roles. C. Cabili, E. Eslami, and R. Briefel, *White Paper on the Emergency Food Assistance Program (TEFAP)*, prepared by Mathematica for the Office of Policy Support, Food and Nutrition Service, U.S. Department of Agriculture, August 2013, <https://www.fns.usda.gov/white-paper-emergency-food-assistance-program-tefap>.

Figure I. Flow of Foods and Funds through TEFAP



Source: Adapted from USDA, FNS, *White Paper on the Emergency Food Assistance Program*, 2013.

a. States may distribute food to recipient agencies directly or task recipient agencies with food distribution to other recipient agencies. States often delegate this responsibility to food banks.

TEFAP is part of a larger web of federal food assistance programs.⁷ Some of these programs provide cash assistance while others primarily distribute food. TEFAP foods may reach individuals who do not qualify for other food assistance programs or supplement the assistance that they receive through other programs. Related federal programs include the Federal Emergency Management Agency’s (FEMA’s) Emergency Food and Shelter Program, which, among its other services for homeless individuals, provides food through shelters, food banks, and food pantries.⁸ In addition, USDA’s Commodity Supplemental Food Program distributes monthly food packages to low-income elderly individuals through local organizations, which can include food banks and pantries.⁹ The Farmers to Families Food Box Program, which USDA operated from May 2020 to May 2021, provided funds to suppliers to prepare food boxes for distribution to food banks and other nonprofit organizations serving households in need during the COVID-19 pandemic.¹⁰

This report begins by describing available data on the population using emergency food assistance. It goes on to discuss the TEFAP program, including its administration at the federal, state, and local levels, eligibility rules, and funding structure. The report concludes with a summary of TEFAP’s role in disaster response and recent reauthorizations. **Appendix A** lists total TEFAP funding from the program’s inception in 1983 to present; **Appendix B** lists TEFAP funding by state; and **Appendix C** provides a brief legislative history of TEFAP.

Definitions

Emergency feeding organizations (EFOs): “The term ‘emergency feeding organization’ means a public or nonprofit organization that administers activities and projects (including the activities and projects of a charitable institution, a food bank, a food pantry, a hunger relief center, a soup kitchen, or a similar public or private nonprofit eligible recipient agency) providing nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons.”

Common types of EFOs:

- **Food banks:** “The term ‘food bank’ means a public or charitable institution that maintains an established operation involving the provision of food or edible commodities, or the products of food or edible

⁷ See CRS Report R42353, *Domestic Food Assistance: Summary of Programs*.

⁸ For more information, see CRS Report R42766, *The Emergency Food and Shelter National Board Program and Homeless Assistance*.

⁹ For more information, see CRS Report R42353, *Domestic Food Assistance: Summary of Programs*.

¹⁰ For more information, see CRS Report R46681, *USDA Nutrition Assistance Programs: Response to the COVID-19 Pandemic*.

commodities, to food pantries, soup kitchens, hunger relief centers, or other food or feeding centers that, as an integral part of their normal activities, provide meals or food to feed needy persons on a regular basis.”

- **Food pantries:** “The term ‘food pantry’ means a public or private nonprofit organization that distributes food to low-income and unemployed households, including food from sources other than the Department of Agriculture, to relieve situations of emergency and distress.”
- **Soup kitchens:** “The term ‘soup kitchen’ means a public or charitable institution that, as an integral part of the normal activities of the institution, maintains an established feeding operation to provide food to needy homeless persons on a regular basis.”

Source: Section 201A of the Emergency Food Assistance Act (codified at 7 U.S.C. §7501)

The Demand for Emergency Food Assistance

According to an analysis of Current Population Survey (CPS) Food Security Supplement data by USDA’s Economic Research Service (ERS), an estimated 7.3 million households (5.6%) obtained emergency food from a food bank, food pantry, or church in 2021, down from a recent high of 8.7 million households (6.7%) in 2020, but still higher than in recent years (see **Figure 2**). A smaller proportion of the population used soup kitchens: approximately 438,000 households (0.3%) in 2021 and 451,000 households (0.4%) in 2020.¹¹ These are likely underestimates of the population using emergency food assistance—particularly soup kitchens—because the CPS uses address-based sampling and therefore does not fully capture households that are homeless or in tenuous housing arrangements. In addition, the CPS Food Security Supplement excludes households with incomes above 185% of the federal poverty guidelines who do not report any indications of food insecurity on screening questions.¹² For comparison, a survey by Feeding America, a nonprofit membership and advocacy organization, estimated that approximately 15.5 million households accessed its network of feeding organizations in 2013 (the same year, ERS estimated that 6.9 million households obtained emergency food). The Feeding America network represents a large segment of emergency feeding organizations nationwide.¹³ A more recent (2021) survey by Feeding America found that when *charitable food assistance* is defined more broadly to include receiving free groceries or free meals from organizations such as food banks, food pantries, churches, Meals on Wheels, and shelters, approximately 53 million individuals reported receiving assistance.¹⁴

¹¹ The U.S. Census Bureau conducts the CPS Food Security Supplement annually with funding from USDA’s Economic Research Service (ERS). Households utilizing food pantries in 2021 included 19.3 million individuals, and households utilizing soup kitchens included 864,000 individuals. *Food pantry use* was defined as “receiving emergency food from a church, food pantry, or food bank.” A. Coleman-Jensen, M.P. Rabbitt, C.A. Gregory, and A. Singh, *Statistical Supplement to Household Food Security in the United States in 2021*, AP-105, U.S. Department of Agriculture, Economic Research Service, September 2022, pp. 18-19, <https://www.ers.usda.gov/publications/pub-details/?pubid=104662>; and A. Coleman-Jensen, M.P. Rabbitt, C.A. Gregory, and A. Singh, *Statistical Supplement to Household Food Security in the United States in 2020*, AP-091, U.S. Department of Agriculture, Economic Research Service, September 2021, pp. 22-23, <https://www.ers.usda.gov/webdocs/publications/102072/ap-091.pdf?v=2176.1>.

¹² It is, however, possible that some households with incomes over 185% of poverty that did not get flagged as food insecure used emergency feeding organizations. That would not be captured in these estimates.

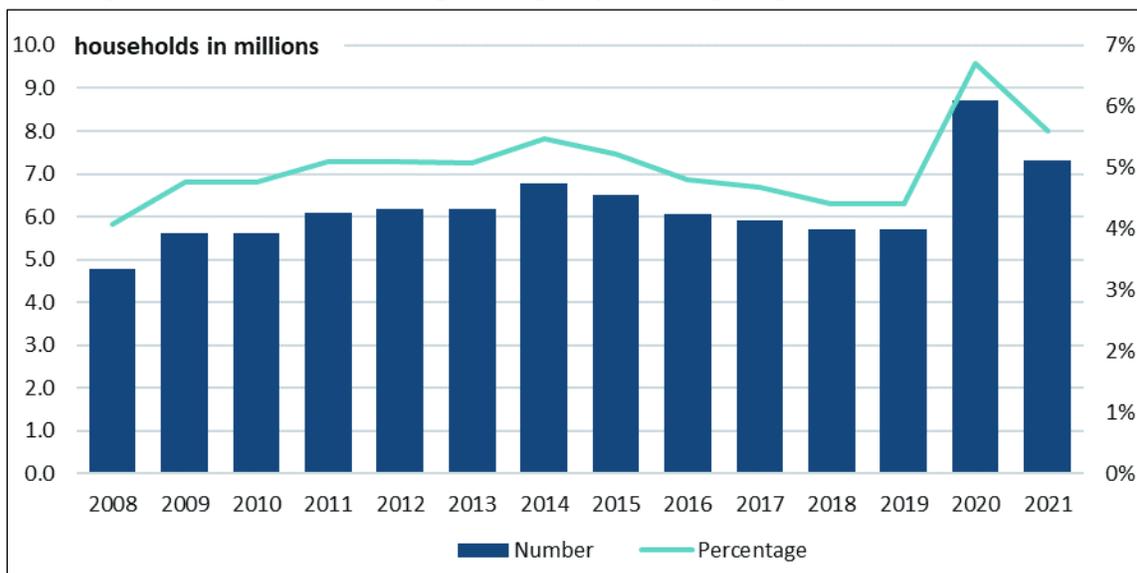
¹³ Feeding America’s network includes 200 food banks and 60,000 food pantries, according to FeedingAmerica.org, *Our Network*, <http://www.feedingamerica.org/our-work/food-bank-network.html>. In 2000, Feeding America’s network included 80% of emergency feeding organizations according to J.C. Ohls et al., *The Emergency Food Assistance System—Findings From the Provider Survey*, prepared by Mathematica Policy Research, Inc. for the Food and Rural Economics Division, Economic Research Service, USDA, October 2002, p. 2, <https://www.ers.usda.gov/publications/pub-details/?pubid=46507>.

¹⁴ Feeding America, “Charitable Food Assistance Participation Measurement,” June 2022, <https://www.feedingamerica.org/research/charitable-food-access>.

The ERS findings for 2020 and 2021 track with other data indicating increased use of emergency feeding organizations during the COVID-19 pandemic. An analysis by the Urban Institute, a nonprofit research organization, found that 19.7% of nonelderly adults received free food from food banks, food pantries, churches, shelters, and similar organizations in December 2020, up from 13.2% in December 2019.¹⁵

Data on the number of TEFAP food recipients are not available, in part because TEFAP commodities are mixed in with other commodities provided by emergency feeding organizations and because of “the transient nature of participation.”¹⁶

Figure 2. Households Using Emergency Feeding Organizations, 2008-2021



Source: CRS graphic based on data contained in statistical supplements to *Household Food Security in the United States*, USDA Economic Research Service, for 2008-2021.

Notes: Number and percentage of households who reported that they received emergency food from a food pantry, food bank, or church in the last 12 months. This may be an underestimate of the number of households using food pantries due to the fact that the Census’s Current Population Survey (CPS) Food Security Supplement focuses on households with incomes under 185% of the poverty guidelines and excludes homeless individuals and underrepresents those in tenuous housing arrangements.

Characteristics of Emergency Food Recipients

Food insecurity is common among households using emergency feeding organizations.¹⁷ According to the ERS analysis, 57% of households using emergency feeding organizations could be categorized as food insecure in 2021, meaning they had difficulty providing enough food for

¹⁵ Elaine Waxman, Poonam Gupta, and Dulce Gonzalez, “Charitable Food Use Increased Nearly 50 Percent from 2019 to 2020,” Urban Institute, March 2021, https://www.urban.org/sites/default/files/publication/103825/charitable-food-use-increased-nearly-50-percent-from-2019-to-2020_0.pdf.

¹⁶ USDA, FNS, *Nutrient and MyPyramid Analysis of USDA Foods in Five of Its Food and Nutrition Programs*, prepared by Westat for the Office of Research and Analysis, January 2012, p. 3-84, <https://www.fns.usda.gov/sites/default/files/ops/NutrientMyPyramid.pdf>.

¹⁷ *Food security* focuses on economic and access-related factors associated with an individual’s ability to purchase food or otherwise obtain enough to eat, as opposed to *hunger*, which is considered a physiological condition. For more information on the differences between food insecurity and hunger, see CRS Report R42353, *Domestic Food Assistance: Summary of Programs*.

all of their members at times during the year due to a lack of resources.¹⁸ Roughly half of these households experienced very low food security, meaning that the food intake of some household members was reduced and normal eating patterns were disrupted due to limited resources.

According to the ERS analysis, in 2021 households obtaining emergency food from a food bank, pantry, or church were more likely to have incomes below 185% of poverty compared to other respondents (62% vs. 20%), and to include children (35% vs. 28%).¹⁹ According to the 2014 Feeding America survey, individuals using meal programs (e.g., soup kitchens and shelters) were generally single-person households and were more likely to be homeless. In 2013, just over 70% of households using the Feeding America network of meal programs had a single member and nearly 34% were homeless or living in temporary housing.²⁰

In addition, emergency feeding organizations may act as a safety net for food insecure households who are ineligible for or do not participate in other federal food assistance programs. For example, in the case of the Supplemental Nutrition Assistance Program (SNAP), households may have an income too high to qualify for assistance but still experience difficulty purchasing food, or they may fail to meet other program eligibility rules.²¹ Among households using feeding organizations affiliated with Feeding America's network, a little more than half (55%) reported receiving SNAP benefits in 2013.²²

Characteristics of Emergency Feeding Organizations

The most recent census of emergency feeding organizations was conducted in 2000 by USDA's ERS (USDA proposed conducting a more current study of TEFAP agencies in its FY2024 budget justification to Congress).²³ ERS found that there were approximately 400 food banks; 32,700 food pantries; and 5,300 soup kitchens in the United States in 2000. These organizations were reliant on both private and public donations, including TEFAP support. According to the survey, TEFAP foods comprised 14% of foods distributed by the emergency food assistance system and TEFAP administrative funds comprised 12% to 27% of organizations' operating costs in 2000.²⁴ However, this proportion may fluctuate from year to year.

¹⁸ A. Coleman-Jensen, M.P. Rabbitt, C.A. Gregory, and A. Singh, *Statistical Supplement to Household Food Security in the United States in 2021*, AP-105, U.S. Department of Agriculture, Economic Research Service, September 2022, pp. 18-19, <https://www.ers.usda.gov/publications/pub-details/?pubid=104662>.

¹⁹ Ibid.

²⁰ Nancy S. Weinfield et al., *Hunger in America 2014*, Feeding America, prepared by Westat and the Urban Institute, August 2014, pp. 91, 100-102, <http://help.feedingamerica.org/HungerInAmerica/hunger-in-america-2014-full-report.pdf>.

²¹ For more information on SNAP eligibility, see CRS Report R42505, *Supplemental Nutrition Assistance Program (SNAP): A Primer on Eligibility and Benefits*.

²² Nancy S. Weinfield et al., *Hunger in America 2014*, Feeding America, prepared by Westat and the Urban Institute, August 2014, <http://help.feedingamerica.org/HungerInAmerica/hunger-in-america-2014-full-report.pdf>.

²³ J.C. Ohls et al., *The Emergency Food Assistance System—Findings From the Provider Survey*, 16-2, prepared by Mathematica Policy Research, Inc. for the Food and Rural Economics Division, Economic Research Service, USDA, October 2002, <https://www.ers.usda.gov/publications/pub-details/?pubid=46507>. While Feeding America published a study in 2014 of its network of feeding organizations (discussed in this report), it is not a nationally representative sample of organizations. For USDA's proposal, see p. 35-102 to p. 35-103 of USDA, Office of Budget & Program Analysis, *2024 USDA Explanatory Notes – Food and Nutrition Service*.

²⁴ J.C. Ohls et al., *The Emergency Food Assistance System—Findings From the Provider Survey*, 16-2, prepared by Mathematica Policy Research, Inc. for the Food and Rural Economics Division, Economic Research Service, USDA, October 2002, <https://www.ers.usda.gov/publications/pub-details/?pubid=46507>; see pp. 133-134 for TEFAP's proportion of foods and pp. 45, 77, 110 for its proportion of operating costs.

Most food banks in the ERS survey were secular, nonprofit organizations, while the majority of food pantries and soup kitchens were nonprofit organizations associated with a religious group.²⁵ Food banks were likely to be affiliated with a national organization, including Feeding America (previously Second Harvest), United Way, Foodchain, Salvation Army, the Red Cross, and Catholic Charities.²⁶ All types of emergency feeding organizations were dependent on volunteers.²⁷

Program Administration

Federal Role

FNS is responsible for allocating TEFAP aid to states (see “State Allocation Formula”) and coordinating the ordering, processing, and distribution of commodities. Specifically, FNS decides which foods will be available in the USDA Foods catalog and allocates entitlement aid and administrative funds to states. States and recipient agencies then place orders for certain quantities and types of commodities (discussed under “Types of Foods”) based on their entitlement allocation. FNS collaborates closely with USDA’s purchasing agency—the Agricultural Marketing Service (AMS)—to process and fulfill the orders.²⁸ AMS and FNS also collaborate to purchase and distribute bonus commodities throughout the year that are not based on state requests but rather USDA’s discretion to support different crops. Selected vendors deliver both entitlement and bonus commodities to state-selected distribution points.²⁹

FNS also issues regulations and guidance and provides general oversight of states’ TEFAP operations. FNS provides oversight by reviewing and approving state TEFAP plans, which are documents that outline each state’s operation of TEFAP. States are required to submit amendments to the plan for approval “when necessary to reflect any changes in program operations or administration as described in the plan, or at the request of FNS, to the appropriate FNS Regional Office.”³⁰ FNS also conducts management reviews of state agency operations.³¹

State Role

TEFAP is administered at the state level by an agency designated by the governor “or other appropriate State executive authority” that enters into an agreement with FNS.³² States most commonly administer TEFAP through a health/human services, agriculture, or education department.³³ State agencies administering TEFAP are responsible for creating eligibility and other program rules (see “Eligibility Rules for Individuals and Households”), which are outlined

²⁵ Ibid., pp. 16, 50.

²⁶ Ibid, p. 81.

²⁷ Ibid, pp. 39, 72, 108.

²⁸ C. Cabili, E. Eslami, and R. Briefel, *White Paper on the Emergency Food Assistance Program (TEFAP)*, prepared by Mathematica for the Office of Policy Support, Food and Nutrition Service, U.S. Department of Agriculture, August 2013, <https://fns-prod.azureedge.net/sites/default/files/TEFAPWhitePaper.pdf>.

²⁹ Section 203B of the Emergency Food Assistance Act of 1983 (codified at 7 U.S.C. §7505); 7 C.F.R. §251.4.

³⁰ Section 202A of the Emergency Food Assistance Act of 1983 (codified at 7 U.S.C. §7503).

³¹ USDA, Office of Inspector General (OIG), *COVID-19—Oversight of the Emergency Food Assistance Program—Final Report*, August 18, 2023, <https://usdaoig.oversight.gov/reports/inspection-evaluation/covid-19-oversight-emergency-food-assistance-program-final-report>.

³² 7 C.F.R. §251.2.

³³ USDA, FNS, *TEFAP State Contacts*, <https://www.fns.usda.gov/contacts>.

in state plans approved by FNS.³⁴ They are also responsible for selecting and overseeing recipient agencies.

Federal regulations allow states to delegate a number of responsibilities to recipient agencies, including selecting and subcontracting with other recipient agencies.³⁵ States often delegate the ordering and distribution of USDA Foods to regional food banks, which receive foods and make deliveries to other recipient organizations, such as food pantries.³⁶ According to a 50-state analysis conducted by Feeding America in 2020, nearly all states reported that commodities were delivered by vendors directly to recipient agencies (often to food banks for distribution to other organizations).³⁷ States cannot delegate their responsibility to set eligibility rules or oversee recipient agencies.³⁸

States must review at least 25% of recipient agencies contracting directly with the state (e.g., food banks) at least once every four years, and at least one-tenth or 20 (whichever is fewer) of other recipient agencies each year.³⁹ If the state finds deficiencies in the course of review, the state agency must submit a report with the findings to the recipient agency and ensure that corrective action is taken.

Local Role

Organizations that are eligible for TEFAP aid are referred to as *recipient agencies* in the Emergency Food Assistance Act. According to the statute, recipient agencies are public or nonprofit organizations that administer

- emergency feeding organizations,
- charitable institutions,
- summer camps or child nutrition programs,
- nutrition projects operating under the Older Americans Act of 1965, or
- disaster relief programs.⁴⁰

³⁴ Individual state plans are often available on the state agency's website that administers TEFAP. A list of state agencies that administer TEFAP is available at <https://www.fns.usda.gov/contacts>. According to Section 202A of the Emergency Food Assistance Act of 1983 (codified at 7 U.S.C. §7503), state plans must include eligibility rules.

³⁵ 7 C.F.R. §251.2, 7 C.F.R. §251.5; C. Cabili, E. Eslami, and R. Briefel, *White Paper on the Emergency Food Assistance Program (TEFAP)*, prepared by Mathematica for the U.S. Department of Agriculture, Food and Nutrition Service, Office of Policy Support, August 2013, <https://fns-prod.azureedge.net/sites/default/files/TEFAPWhitePaper.pdf>.

³⁶ Feeding America, *The Emergency Food Assistance Program: State Guide*, February 2020, https://feedingamericaaction.org/wp-content/uploads/2021/04/Resource_Feeding-America-TEFAP-State-by-State-Guide.pdf; Washington State Department of Agriculture, *The Emergency Food Assistance Program (TEFAP): Distribution National Survey 2015*, AGR 609-574. Per Section 202A of the Emergency Food Assistance Act of 1983 (codified at 7 U.S.C. §7503), state plans must describe how the state will give recipient agencies an opportunity to provide input on the commodities selected.

³⁷ Washington State Department of Agriculture, *The Emergency Food Assistance Program (TEFAP): Distribution National Survey 2015*, AGR 609-574. Larger states often reported multiple, regional warehouses while smaller states sometimes had one central warehouse.

³⁸ 7 C.F.R. §251.5.

³⁹ 7 C.F.R. §251.10.

⁴⁰ Section 201A of the Emergency Food Assistance Act of 1983 (codified at 7 U.S.C. §7501).

The first category of organizations—emergency feeding organizations—receive priority under TEFAP statute and regulations and the majority of TEFAP aid.⁴¹ Emergency feeding organizations are defined as public or nonprofit organizations “providing nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons.”⁴² They include food banks, food pantries, soup kitchens, and other organizations serving similar functions.

Recipient agencies are responsible for serving and distributing TEFAP foods to individuals and households. As discussed above, they may also have additional responsibilities as delegated by the state agency; for example, food banks may be tasked with distributing food to subcontracted recipient agencies like food pantries and soup kitchens, which in turn distribute foods or serve prepared meals to low-income individuals and families.

Recipient agencies must adhere to program rules. For example, they must safely store food and comply with state and/or local food safety and health inspection requirements.⁴³ Recipient agencies must also maintain records of the commodities they receive and a list of households receiving TEFAP foods for home consumption.⁴⁴ There are also restrictions on the types of activities that can occur at distribution sites. Recipient agencies must ensure that any unrelated activities are conducted in a way that makes clear that the activity is not part of TEFAP and that receipt of TEFAP foods is not contingent on participation in the activity.⁴⁵ Activities may not disrupt food distribution or meal service and may not be explicitly religious.⁴⁶ In addition, recipient agencies may not engage in recruitment activities designed to persuade an individual to apply for SNAP benefits.⁴⁷

Eligibility Rules for Individuals and Households

Under broad federal guidelines, states set eligibility rules for individuals and households participating in TEFAP. Eligibility rules differ for organizations distributing commodities directly to households (e.g., food pantries) and organizations providing prepared meals (e.g., soup kitchens). States must develop income-based standards for households receiving foods directly, but cannot set such standards for individuals receiving prepared meals. However, organizations serving prepared meals must serve predominantly needy persons, and states “may establish a higher standard than ‘predominantly’ and may determine whether organizations meet the

⁴¹ Section 203B of the Emergency Food Assistance Act of 1983 (codified at 7 U.S.C. §7505) gives states the option to give emergency feeding organizations priority. When they cannot meet the full demand of all eligible recipient organizations, states *must* give priority to emergency feeding organizations according to TEFAP regulations (7 C.F.R. §251.4). The statement that emergency feeding organizations receive the majority of TEFAP aid is based on CRS communication with the Food and Nutrition Service in September 2018.

⁴² Section 201A of the Emergency Food Assistance Act of 1983 (codified at 7 U.S.C. §7501).

⁴³ 7 C.F.R. §250.14.

⁴⁴ 7 C.F.R. §251.10.

⁴⁵ *Ibid.*

⁴⁶ *Ibid.*; USDA, FNS, *Further Clarification on the Prohibition Against Explicitly Religious Activities As Part of TEFAP and CSFP Activities*, FD-142, November 28, 2016, <https://fns-prod.azureedge.net/sites/default/files/fdd/FD-142-Prohibition-Religious-Activities.pdf>.

⁴⁷ USDA, FNS, *Prohibition of SNAP Recruitment and Promotion Activities by FDPIR and TEFAP Administering Agencies*, Policy Memorandum No. FD-143, May 2017, <https://www.fns.usda.gov/usda-foods/prohibition-snap-recruitment-and-promotion-activities-fdpir-and-tefap-administering-agencies>.

applicable standard by considering socioeconomic data of the area in which the organization is located, or from which it draws its clientele.”⁴⁸

Income eligibility rules for households receiving TEFAP foods directly vary by state. Many states limit income eligibility to household incomes at or below 185% of the poverty guidelines.⁴⁹ Some states also confer household eligibility based on participation in other federal and state programs (known as *categorical eligibility*).⁵⁰

Federal regulations require that individuals receiving food directly live “in the geographic location served by the State agency at the time of applying for assistance.”⁵¹ However, length of residency cannot be a criterion. States may also create additional rules for households’ receipt of TEFAP foods, such as requiring a signature at the time of receipt, or limiting the number of times households can get food in a certain period.⁵²

Funding and Appropriations

TEFAP’s Authorizing Laws

The Emergency Food Assistance Act of 1983: governs TEFAP operations and authorizes discretionary funding for administrative costs (codified at 7 U.S.C. §7501-7516)

The Food and Nutrition Act of 2008 (previously the Food Stamp Act): Section 27 authorizes mandatory funding for TEFAP commodities (*entitlement commodities*) (codified at 7 U.S.C. §2036)

Federal assistance through TEFAP is primarily provided in the form of USDA-purchased domestic agricultural commodities (*USDA Foods*). A smaller amount of assistance is provided in the form of cash support for administrative and distribution costs.

There are two types of TEFAP commodities: *entitlement commodities* and *bonus commodities* (described further in the sections to follow). Funding for entitlement commodities is considered appropriated mandatory spending, meaning that the authorizing law sets the level of spending but an annual appropriation is needed to provide funding.⁵³ Funding for bonus commodities is not included in the TEFAP appropriation and is instead provided by separate USDA budget authority. These funds are used by USDA for bonus commodity purchases for the program throughout the

⁴⁸ 7 C.F.R. §251.5.

⁴⁹ Examples include Arizona, Hawaii, Indiana, Iowa, Massachusetts, Nevada, New Mexico, and Wisconsin. Individual state plans can usually be found on the state agency’s website that administers TEFAP. A list of state agencies that administer TEFAP is available at <https://www.fns.usda.gov/contacts>. For a summary of state policies as of February 2020, see Feeding America, *The Emergency Food Assistance Program: State Guide*, February 2020, https://feedingamericaaction.org/wp-content/uploads/2021/04/Resource_Feeding-America-TEFAP-State-by-State-Guide.pdf.

⁵⁰ See page 10 of Feeding America, *The Emergency Food Assistance Program: State Guide*, February 2020, https://feedingamericaaction.org/wp-content/uploads/2021/04/Resource_Feeding-America-TEFAP-State-by-State-Guide.pdf.

⁵¹ 7 C.F.R. §251.5(b); Feeding America, *The Emergency Food Assistance Program: State Guide*, February 2020, https://feedingamericaaction.org/wp-content/uploads/2021/04/Resource_Feeding-America-TEFAP-State-by-State-Guide.pdf.

⁵² See individual state plans for state-specific eligibility rules, which can usually be found on the state agency’s website that administers TEFAP. A list of state agencies that administer TEFAP is available at <https://www.fns.usda.gov/contacts>. For a summary of state policies as of February 2020, see Feeding America, *The Emergency Food Assistance Program: State Guide*, February 2020, https://feedingamericaaction.org/wp-content/uploads/2021/04/Resource_Feeding-America-TEFAP-State-by-State-Guide.pdf.

⁵³ For an explanation of appropriated mandatory spending, see CRS Report R44582, *Overview of Funding Mechanisms in the Federal Budget Process, and Selected Examples*.

year. TEFAP’s administrative funds are discretionary spending and require an annual appropriation.⁵⁴

As shown in **Table 1**, TEFAP spending totaled more than \$1.6 billion in FY2022—over \$500 million of which was temporary aid provided under pandemic response laws (discussed further in “COVID-19 Pandemic Response”).

Table 1. TEFAP Spending, FY2022

Category	Spending (\$ in millions)
Entitlement foods	465.4
Administrative (storage and distribution) funds	136.2
Bonus foods	517.0
Farm to Food Bank Projects	7.5
Reach and Resiliency Grants	39.4
COVID-19 pandemic response funding provided by the CARES Act (P.L. 116-136) (used for entitlement foods and administrative funds)	500.0
Total	1,665.5

Source: USDA, Office of Budget & Program Analysis, *2024 USDA Explanatory Notes – Food and Nutrition Service*, p. 35-137.

Notes: Table displays food and administrative funds made available to states and USDA bonus purchases. State funds are after conversion of any entitlement commodity funds to administrative funds, and administrative funds to commodity funds, and include any entitlement food and administrative funds that states carried over from the prior fiscal year.

Commodity Food Support

Entitlement Commodities

Mandatory funding for TEFAP commodities is authorized by Section 27 of the Food and Nutrition Act (codified at 7 U.S.C. §2036). The act authorizes \$250 million annually plus additional amounts each year in FY2019 through FY2023 as a result of amendments made by the 2018 farm bill (P.L. 115-334). In FY2019, the additional amount was \$23 million; for each of FY2020-FY2023, the additional amount is \$35 million. The base funding of \$250 million is adjusted for food price inflation in accordance with USDA’s Thrifty Food Plan, which was updated in 2021.⁵⁵ Appropriations may also provide additional discretionary funding for commodities beyond the levels set in the Food and Nutrition Act.

⁵⁴ Funding for TEFAP’s entitlement commodities is typically contained in the Supplemental Nutrition Assistance Program (SNAP) account and appropriations for administrative costs is typically contained in the Commodity Assistance Program account of annual appropriations acts.

⁵⁵ Amounts are adjusted using the Thrifty Food Plan (TFP), a USDA-calculation that estimates the cost of purchasing a nutritionally adequate low-cost diet. The TFP is the cheapest of four diet plans meeting minimal nutrition requirements devised by USDA. USDA calculates the cost of the TFP each year to account for food price inflation; additionally, in 2021 USDA reassessed the contents of the TFP (often thought of as a market basket of goods), which resulted in an increase to TEFAP entitlement commodity funding starting in FY2022. USDA, FNS, “The Emergency Food Assistance Program (TEFAP): Thrifty Food Plan (TFP) Adjustment of TEFAP Funding,” FNS-GD-2021-0086, August 16, 2021.

Historically, appropriations laws have allowed states to convert a portion of their funds for entitlement commodities into administrative funds.⁵⁶ In past years, states were allowed to convert 10% of funds; FY2018 and FY2019 appropriations acts increased the proportion to 15%, and FY2020-FY2023 appropriations acts increased the proportion to 20%.⁵⁷ States typically exercise this option; for example, in FY2022, states converted \$49.4 million out of a possible \$80 million in eligible funds.⁵⁸ States are also allowed to carry over entitlement commodity funds into the next fiscal year.⁵⁹

Within USDA, FNS works closely with AMS to determine which entitlement foods are available for TEFAP and considers input from state and local agencies (discussed further in the “USDA Food Purchasing, Ordering, and Delivery Process” section). According to statute, USDA must, “to the extent practicable and appropriate, make purchases based on (1) agricultural market conditions; (2) preferences and needs of States and distributing agencies; and (3) preferences of recipients.”⁶⁰

Bonus Commodities

Bonus commodities are purchased at USDA’s discretion throughout the year using separate budget authority. USDA’s purchases of bonus commodities are based on agricultural surpluses or other economic problems, as raised by farm and industry organizations and assessed by USDA’s own commodity experts. The amount and type of bonus commodities that USDA purchases for TEFAP fluctuates from year to year, and depends largely on agricultural market conditions. States and recipient agencies are not required to accept bonus foods. The level of bonus commodities within TEFAP has fluctuated substantially over time (see **Figure 3**).

USDA’s purchases of bonus commodities stem from two authorities: Section 32 of the Act of August 24, 1935 and the Commodity Credit Corporation (CCC).⁶¹ Section 32 is a permanent appropriation that sets aside the equivalent of 30% of annual customs receipts to support the farm sector through the purchase of surplus commodities and a variety of other activities.⁶² The CCC is a government-owned entity that finances authorized programs that support U.S. agriculture. Its operations are supported by USDA’s Farm Service Agency. The CCC has permanent, indefinite authority to borrow up to \$30 billion from the U.S. Treasury to finance its programs.⁶³

Section 32 has historically financed TEFAP commodities to a greater extent than the Commodity Credit Corporation.⁶⁴ Unlike CCC support, which is normally limited to price-supported commodities (such as milk, grains, and sugar), Section 32 is less constrained in the types of

⁵⁶ States may also convert any amount of administrative funds into food funds, but this happens to a lesser extent.

⁵⁷ For FY2002-FY2008, states were allowed to convert \$10 million of entitlement commodity funds into administrative funds. For FY2009-FY2017, states were allowed to convert 10% of entitlement commodity funds into administrative funds.

⁵⁸ USDA, Office of Budget & Program Analysis, *2024 USDA Explanatory Notes – Food and Nutrition Service*, p. 35-137.

⁵⁹ This has occurred since FY2015 as a result of a provision in the 2014 farm bill (P.L. 113-79).

⁶⁰ Section 27 of the Food and Nutrition Act of 2008 (codified at 7 U.S.C. §2036(b)).

⁶¹ For Section 32 purchasing authorities, see Section 32 of the act of August 24, 1935 (P.L. 74-320). For CCC purchasing authorities, see Section 5 of the CCC Charter Act. The Secretary’s authority to donate such commodities to TEFAP is established by Section 17 of the Commodity Distribution Reform and WIC Amendments Act Of 1987.

⁶² For more information, see CRS Report RL34081, *Farm and Food Support Under USDA’s Section 32 Program*.

⁶³ For more information, see CRS Report R44606, *The Commodity Credit Corporation (CCC)*.

⁶⁴ CRS communication with the Food and Nutrition Service in September 2018.

commodities that may be provided, and can include meats, poultry, fruits, vegetables, and seafood.

Trade Mitigation Purchases

In 2018 and 2019, the Trump Administration announced two trade aid packages aimed at assisting farmers impacted by retaliatory tariffs, using CCC authority.⁶⁵ The first trade aid package, announced in August 2018, included \$1.2 billion in purchases of commodities for distribution to TEFAP and other domestic food assistance programs.⁶⁶ The second trade aid package, announced in May 2019, provided another \$1.4 billion for such purposes.⁶⁷ In total, USDA distributed \$1.1 billion worth of trade mitigation foods through TEFAP in FY2019 and \$1.2 billion in FY2020.⁶⁸

USDA Food Purchasing, Ordering, and Delivery Process

The processes for procuring and delivering USDA Foods are based on federal law, regulations, and agency policy. The process described in this section is specific to TEFAP, but similar processes are used for other federal nutrition assistance programs that use USDA Foods.

The process starts with determining what foods will be available. In the case of entitlement commodities, FNS and AMS work together to determine a list of foods for the fiscal year that will be procurable by USDA and usable by emergency feeding organizations.⁶⁹ In the case of bonus commodities, AMS determines which foods it will purchase on an ongoing basis throughout the year based on the needs of producers.

State agencies, in consultation with emergency feeding organizations, place orders via the USDA Foods catalog (in some cases, state agencies delegate this responsibility to food banks).⁷⁰ They use their allocated entitlement funds to choose foods from a list that includes meats, eggs, grains, fruits, vegetables, beans, nuts, and milk. They can also opt to receive preselected bonus foods, if available. (Types of entitlement and bonus foods available are discussed further in the next section of this report.) Most foods show up in the catalog on a quarterly basis; others are only available in the catalog at certain times of the year (e.g., fresh whole apples).⁷¹

Once organizations make their selections, AMS publishes a solicitation via an online system, which “describes USDA’s needs in terms of the product, volume, delivery destination (city/State) and delivery window, and invites approved vendors to submit offers to fill the demand.”⁷² Pre-

⁶⁵ For more information, see CRS Report R45310, *Farm Policy: USDA’s 2018 Trade Aid Package*; and CRS Report R45865, *Farm Policy: USDA’s 2019 Trade Aid Package*.

⁶⁶ For more information, see CRS Report R45310, *Farm Policy: USDA’s 2018 Trade Aid Package*; and CRS Report R45865, *Farm Policy: USDA’s 2019 Trade Aid Package*. USDA, “USDA Announces Details of Assistance for Farmers Impacted by Unjustified Retaliation,” press release, August 27, 2018, <https://www.usda.gov/media/press-releases/2018/08/27/usda-announces-details-assistance-farmers-impacted-unjustified>. The largest purchases announced include pork, sweet cherries, apples, pistachios, dairy, and almonds.

⁶⁷ USDA, “USDA Announces Support for Farmers Impacted by Unjustified Retaliation and Trade Disruption,” press release, May 23, 2019, <https://www.usda.gov/media/press-releases/2019/05/23/usda-announces-support-farmers-impacted-unjustified-retaliation-and>.

⁶⁸ USDA, FNS, “FY2023 USDA Explanatory Notes – Food and Nutrition Service,” p. 35-134, <https://www.usda.gov/sites/default/files/documents/34FNS2022Notes.pdf>.

⁶⁹ For the FY2023 list, see USDA, FNS, “USDA Foods Available List for The Emergency Food Assistance Program (TEFAP) FY2023,” April 2023, <https://www.fns.usda.gov/tefap/usda-foods-available-list-tefap>.

⁷⁰ 7 C.F.R. §250.10; 7 C.F.R. §251.2(i).

⁷¹ See “AMS CPP Procurement Schedule” at <https://www.ams.usda.gov/selling-food/solicitations>.

⁷² USDA, AMS, “How the Process Works,” <https://www.ams.usda.gov/selling-food/how-process-works>.

approved vendors may respond to the solicitation and then AMS reviews the offers and awards contracts. Per the terms of the contract, a vendor may deliver food to a state warehouse, directly to a food bank or emergency feeding organization, or to a food processor (if the state or food bank opts to use a portion of their entitlement funds for this purpose).⁷³ Once the product has been delivered, AMS pays the vendor.⁷⁴ Depending on the product, it takes roughly two to five months from solicitation through delivery.⁷⁵

Types of Foods

USDA-purchased agricultural products (*USDA Foods*) in TEFAP include a variety of products, such as meats, eggs, vegetables, soup, beans, nuts, peanut butter, cereal, pasta, milk, and juice.⁷⁶ Most foods are nonperishable and ready for distribution when delivered to states, although some foods, such as some meat, dairy, and fresh produce, require refrigeration.⁷⁷ USDA has made efforts in recent years to increase kosher and halal USDA Foods and raise awareness of available options.⁷⁸ States (and sometimes designated recipient agencies) select entitlement commodities from a catalog of USDA Foods.

In contrast, USDA selects bonus foods based on market conditions. In FY2022, bonus food purchases included “pears, dates, raisins, hazelnuts, great northern beans, grapefruit, oranges, pink salmon, Alaska pollock, chicken, pistachios, grapes, haddock, perch, Atlantic pollock, plums, nectarines, peaches, bison, sweet potatoes, almonds, figs, walnuts, sweet cherries, rockfish, shrimp, and whiting.”⁷⁹

Research has shown that TEFAP foods are relatively nutritious compared to foods in the average American diet. According to a 2012 USDA study, TEFAP entitlement and bonus foods delivered to states in FY2009 scored 88.9 points out of a possible 100 points on the Healthy Eating Index—a measure of compliance with federal dietary guidelines—compared to 57.5 points scored by the average American diet.⁸⁰ Keeping in mind that TEFAP foods are generally meant to supplement diets, the study also found that these foods would supply 81% of fruits, 69% of vegetables, 98% of grains, 171% of protein, 36% of dairy, 84% of oils, and 39% of the maximum solid fats and added sugars recommended for a 2,000-calorie diet.⁸¹ In addition, a 2023 study compared

⁷³ 7 C.F.R. §250.11.

⁷⁴ USDA, AMS, “How the Process Works,” <https://www.ams.usda.gov/selling-food/how-process-works>.

⁷⁵ See “AMS CPP Procurement Schedule” at <https://www.ams.usda.gov/selling-food/solicitations>.

⁷⁶ USDA, FNS, “USDA Foods Available List for The Emergency Food Assistance Program (TEFAP) FY2023,” April 2023, <https://www.fns.usda.gov/tefap/usda-foods-available-list-tefap>.

⁷⁷ C. Cabili, E. Eslami, and R. Briefel, *White Paper on the Emergency Food Assistance Program (TEFAP)*, prepared by Mathematica for the Office of Policy Support, Food and Nutrition Service, U.S. Department of Agriculture, August 2013, <https://fns-prod.azureedge.net/sites/default/files/TEFAPWhitePaper.pdf>. USDA added mixed fresh produce boxes to its TEFAP offerings in 2021 following the completion of the separate Farmers to Families Food Box Program. For more information, see USDA, FNS, “TEFAP Fresh Produce,” March 30, 2021, <https://www.fns.usda.gov/tefap/fresh-produce>.

⁷⁸ USDA, Office of Budget & Program Analysis, *2024 USDA Explanatory Notes – Food and Nutrition Service*, p. 35-136.

⁷⁹ USDA, Office of Budget & Program Analysis, *2024 USDA Explanatory Notes – Food and Nutrition Service*, p. 35-136.

⁸⁰ Federal dietary guidelines refer to the 2010 USDA Food Patterns, which are based on the Dietary Guidelines for Americans. USDA, FNS, *Nutrient and MyPyramid Analysis of USDA Foods in Five of Its Food and Nutrition Programs*, prepared by Westat for the Office of Research and Analysis, January 2012, pp. 3-76–3-84, <https://www.fns.usda.gov/sites/default/files/ops/NutrientMyPyramid.pdf>.

⁸¹ USDA, FNS, *Nutrient and MyPyramid Analysis of USDA Foods in Five of Its Food and Nutrition Programs*, (continued...)

TEFAP's list of available foods in FY2022 with the Healthy Eating Research Nutrition Guidelines for the Charitable Food System, which classify foods as green (choose often), yellow (choose sometimes), or red (choose rarely) based primarily on the amount of saturated fat, sodium, and added sugars they contain.⁸² The study found that 59% of TEFAP foods were in the green category, 36% were in the yellow category, and 3% were in the red category (2% were not ranked because they were condiments or cooking staples).⁸³

Administrative Cash Support

TEFAP provides funds to cover state and recipient agency costs related to processing, storing, transporting, and distributing USDA-purchased commodities, as well as administrative costs related to determining eligibility, training staff, recordkeeping, and other activities.⁸⁴ Administrative funds can also be used to support states' food recovery efforts.⁸⁵

The Emergency Food Assistance Act of 1983 authorizes \$100 million to be appropriated annually for administrative costs.⁸⁶ In FY2023, appropriators designated \$92 million in discretionary funding for TEFAP administrative funds, up from approximately \$80 million in recent years.⁸⁷

The Emergency Food Assistance Act of 1983 also authorizes up to \$15 million to be appropriated for TEFAP infrastructure grants (and this authority was extended by the 2018 farm bill). Funds were last appropriated for these grants in FY2010.⁸⁸ In 2021, USDA announced \$100 million in American Rescue Plan Act (ARPA; P.L. 117-2) funding for new *Reach and Resiliency* grants that include infrastructure improvements (discussed below).⁸⁹

The statute specifies that administrative funds must be made available to states, which must in turn distribute at least 40% of the funds to emergency feeding organizations.⁹⁰ However, states are

prepared by Westat for the Office of Research and Analysis, January 2012, <https://www.fns.usda.gov/sites/default/files/ops/NutrientMyPyramid.pdf>.

⁸² Healthy Eating Research, *Healthy Eating Research Nutrition Guidelines for the Charitable Food System*, March 2020, p. 11.

⁸³ M.F. Gombi-Vaca and M.B. Schwartz, "Evaluation of US Department of Agriculture Foods Programs for Households Using Nutrition Guidelines for the Charitable Food System," *Journal of the Academy of Nutrition and Dietetics*, 2023.

⁸⁴ Section 204 of the Emergency Food Assistance Act of 1983 (codified at 7 U.S.C. §7508).

⁸⁵ Section 203D and Section 204 of the Emergency Food Assistance Act of 1983 (codified at 7 U.S.C. 7§507). Also see C. Cabili, E. Eslami, and R. Briefel, *White Paper on the Emergency Food Assistance Program (TEFAP)*, prepared by Mathematica for the Office of Policy Support, Food and Nutrition Service, U.S. Department of Agriculture, August 2013, <https://fns-prod.azureedge.net/sites/default/files/TEFAPWhitePaper.pdf>.

⁸⁶ Section 204 of the Emergency Food Assistance Act Of 1983 (codified at 7 U.S.C. §7508).

⁸⁷ "Explanatory Statement Submitted by Mr. Leahy, Chair of the Senate Committee on Appropriations, Regarding H.R. 2617, Consolidated Appropriations Act, 2023," *Congressional Record*, vol. 168, book 3, p. S7829 (December 19, 2022). The amount was \$81 million in FY2022 and \$79.6 million in FY2021 and FY2020, according to the committee reports accompanying the Consolidated Appropriations Act, 2022 (P.L. 117-103), Consolidated Appropriations Act, 2021 (P.L. 116-260), and the Further Consolidated Appropriations Act, 2020 (P.L. 116-94).

⁸⁸ USDA, FNS, *The Emergency Food Assistance Program (TEFAP) General Infrastructure Grant*, <https://www.fns.usda.gov/emergency-food-assistance-program-tefap-general-infrastructure-grant>; Section 209 of the Emergency Food Assistance Act of 1983 (codified at 7 U.S.C. §7511a).

⁸⁹ USDA, "USDA to Invest \$1 Billion to Purchase Healthy Food for Food Insecure Americans and Build Food Bank Capacity," June 4, 2021, <https://www.usda.gov/media/press-releases/2021/06/04/usda-invest-1-billion-purchase-healthy-food-food-insecure-americans>.

⁹⁰ Section 204 of the Emergency Food Assistance Act Of 1983 (codified at 7 U.S.C. §7508). States may count funds they spend on direct expenses of emergency feeding organizations toward this requirement.

required to match whatever administrative funds they keep. As a result, states typically send nearly all of these funds to emergency feeding organizations.⁹¹

States can convert any amount of their administrative funds to food funds, but this happens to a lesser extent than the conversion of food funds to administrative funds.⁹²

Other Funding

Farm to Food Bank Projects

The 2018 farm bill (§4018 of P.L. 115-334) authorized projects to support the harvesting, processing, packaging, and/or transportation of raw or unprocessed commodities from agricultural producers, processors, and distributors to emergency feeding organizations—termed *Farm to Food Bank Projects* by USDA. The law provided \$4 million in annual mandatory funding for the projects from FY2019 to FY2023 and required at least a 50% nonfederal match. It also required states to include a plan of operations for Farm to Food Bank Projects in their state TEFAP plans in order to receive funding. The law gave USDA discretion to determine how funds would be allocated to such states; through rulemaking published in October 2019, USDA established that funds would be allocated the same way as current TEFAP entitlement funds: based on state’s shares of households in poverty and unemployed persons (see “State Allocation Formula”).⁹³

FNS awarded Farm to Food Bank funds to 19 states in FY2020, 24 states in FY2021, 29 states in FY2022, and 28 states in FY2023 that submitted plans to implement projects.⁹⁴ Projects typically focus on setting up state-level infrastructure to facilitate relationships between agricultural donors and feeding organizations, rescuing or gleaning commodities, processing foods into end products, and distributing foods through food bank networks. Some states used funds to support statewide initiatives, while others have funded specific projects carried out by a single organization or group of organizations. Likewise, some projects support various agricultural sectors while others focus on specific commodities (e.g., blueberries and cheese). In many cases, federal funding is supporting pre-existing state and local initiatives.⁹⁵

⁹¹ For the percentage of administrative funds distributed to recipient organizations by state, see USDA, FNS, “Percentage of TEFAP Administrative Funds Passed Through from State Agencies to Emergency Feeding Organizations: FY2021,” <https://www.fns.usda.gov/tefap/percentage-tefap-administrative-funds-passed-through-state-agencies-emergency-feeding>.

⁹² USDA, Office of Budget & Program Analysis, *2024 USDA Explanatory Notes – Food and Nutrition Service*, p. 35-136.

⁹³ USDA, FNS, “The Emergency Food Assistance Program: Implementation of the Agriculture Improvement Act of 2018,” 84 *Federal Register* 52997 October 4, 2019, <https://www.federalregister.gov/documents/2019/10/04/2019-21665/the-emergency-food-assistance-program-implementation-of-the-agriculture-improvement-act-of-2018>. For more information on Farm to Food Bank Projects, see USDA, FNS, “The Emergency Food Assistance Program Farm to Food Bank Project Grants,” <https://www.fns.usda.gov/tefap/farm-to-food-bank-project-grants>.

⁹⁴ USDA, FNS, “The Emergency Food Assistance Program Farm to Food Bank Project Grants,” December 1, 2022, <https://www.fns.usda.gov/tefap/farm-to-food-bank-project-grants>.

⁹⁵ USDA, FNS, “FY 2022 Farm to Food Bank Project Summaries,” <https://www.fns.usda.gov/tefap/fy-2022-farm-food-bank-project-summaries>.

Reach and Resiliency Grants

In June 2021, the Biden Administration announced its intent to use \$100 million in ARPA funds for infrastructure grants for emergency feeding organizations.⁹⁶ FNS issued a Request for Applications for a first round of *Reach and Resiliency* grants in December 2021 that explained that the grants would be awarded competitively to TEFAP state agencies to expand the program into remote, rural, tribal, and low-income areas currently underserved by TEFAP.⁹⁷ Funds may be used for needs assessments, equipment and supplies, building and warehouse renovations, mobile distribution infrastructure, staff training, and outreach to underserved populations, among other activities. FNS awarded \$39 million to 38 states in June 2022 for the first round of Reach and Resiliency grants, and \$58.5 million to 40 states in a second round of awards in June 2023.⁹⁸

Funding Trends

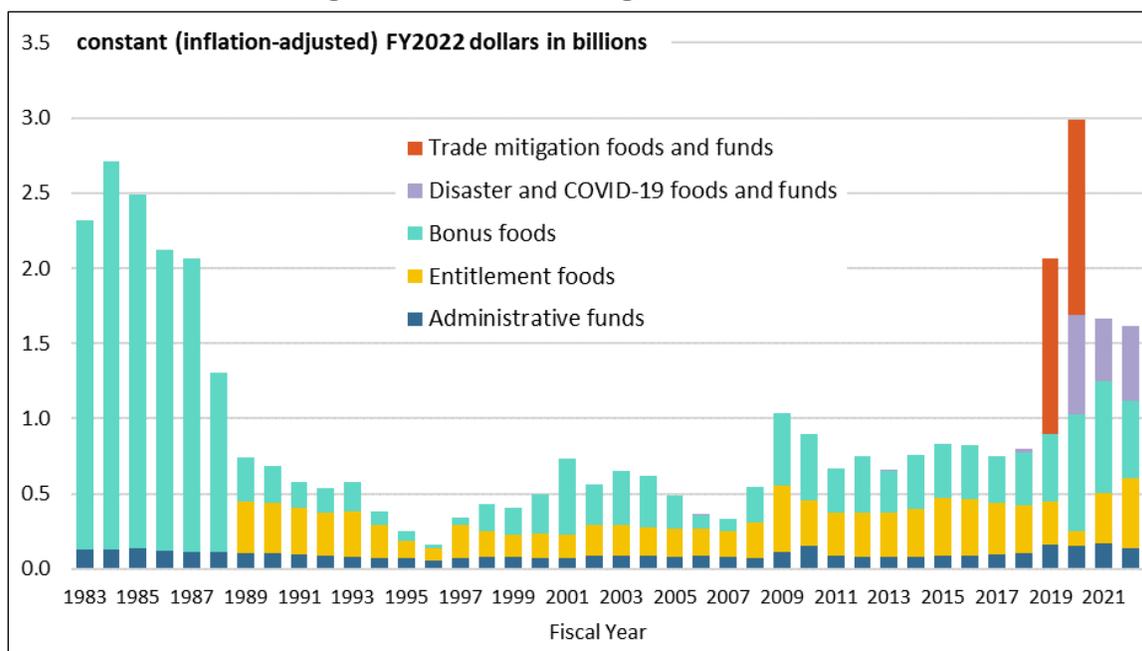
Figure 3 displays TEFAP funding for administrative costs, entitlement commodities, and bonus commodities from the program's inception (FY1983) to FY2022 in constant (inflation-adjusted) dollars (see **Appendix A** for specific dollar amounts). Available TEFAP funding reached a recent high in FY2020 as a result of additional funding for entitlement commodities and administrative costs provided by COVID-19 pandemic response acts and the Trump Administration's trade mitigation program. Previously, spending was highest around the time of the program's inception, when TEFAP served as a means for disposing of large stockpiles of government-held commodities (for further legislative history, see **Appendix C**).

⁹⁶ USDA, "USDA to Invest \$1 Billion to Purchase Healthy Food for Food Insecure Americans and Build Food Bank Capacity," June 4, 2021, <https://www.usda.gov/media/press-releases/2021/06/04/usda-invest-1-billion-purchase-healthy-food-food-insecure-americans>.

⁹⁷ USDA, FNS, "The Emergency Food Assistance Program (TEFAP) Reach and Resiliency Grants: Fiscal Year 2022 Request for Applications (RFA)," CDFA 10.568, December 6, 2021.

⁹⁸ USDA, FNS, "TEFAP Reach and Resiliency Grant Initiative," <https://www.fns.usda.gov/tefap/reach-resiliency-grant>.

Figure 3. TEFAP Funding, FY1983-FY2022



Source: CRS calculations using USDA, FNS Congressional Budget Justifications for FY1983-FY2024. Amounts are in FY2022 dollars, adjusted for GDP inflation by CRS using Office of Management and Budget (OMB), “Historical Tables: Table 10.1—Gross Domestic Product and Deflators Used in the Historical Tables: 1940–2028.”

Notes: Graph displays food and administrative funds made available to states and USDA bonus purchases. Graph does not include Farm to Food Bank Project or Reach and Resiliency Grant funding. For additional notes, see **Table A-1**.

State Allocation Formula

TEFAP’s entitlement commodity and administrative funds are allocated to states based on a statutory formula that takes into account poverty and unemployment rates.⁹⁹ Specifically, USDA calculates each state’s share of the total national number of households with incomes below the federal poverty level and each state’s share of the total national number of unemployed individuals. A state’s share of households in poverty is then multiplied by 60% and its share of unemployed individuals is multiplied by 40% to calculate the state’s share of TEFAP commodities and funds. For example, if a state has 4% of all households in poverty and 2% of all unemployed individuals, it would receive $(4\% \times 60\% = 2.4\%) + (2\% \times 40\% = 0.8\%) = 3.2\%$ of TEFAP funds.¹⁰⁰ As noted previously, states may carry over any extra food or administrative funds for one fiscal year (e.g., from FY2022 to FY2023).

⁹⁹ 7 C.F.R. §251.3(h). Administrative funds use the same formula as commodities according to Section 204 of the Emergency Food Assistance Act of 1983 (codified at 7 U.S.C. §7508).

¹⁰⁰ This explanation draws upon Appendix B of C. Cabili, E. Eslami, and R. Briefel, *White Paper on the Emergency Food Assistance Program (TEFAP)*, prepared by Mathematica for the Office of Policy Support, Food and Nutrition Service, U.S. Department of Agriculture, August 2013, <https://fns-prod.azureedge.net/sites/default/files/TEFAPWhitePaper.pdf>.

State Funding

States must match any administrative funds that are not allocated to emergency feeding organizations or expended by the state on behalf of such organizations.¹⁰¹ In practice, most states use 80% to 100% of their administrative funds to support emergency feeding organizations, resulting in a small state match requirement.¹⁰²

Beyond the state match, 14 states reported supplying additional state funds “to support the TEFAP program either directly or indirectly” in a national survey conducted by the Washington State Department of Agriculture in 2015.¹⁰³

There is also a maintenance of effort requirement in TEFAP, meaning that states cannot reduce their own funding or commodity support for recipient agencies below the level that they were supporting such organizations at the program’s inception or FY1988 (when the maintenance of effort went into effect)—whichever is later.¹⁰⁴

Role of TEFAP During Disasters and Emergencies

There are two main ways TEFAP can be deployed in disaster response: (1) transferring TEFAP foods to disaster response organizations for distribution to households (*Disaster Household Distribution* programs) and (2) adjusting TEFAP program rules and/or distributing additional aid through TEFAP. Both of these approaches have been used during the COVID-19 pandemic (discussed in the next section).

During a presidentially declared disaster or emergency, USDA may approve state requests to operate Disaster Household Distribution programs and repurpose USDA Foods (largely from TEFAP) for direct distribution to households in areas affected by an emergency or disaster.¹⁰⁵ USDA later replenishes or reimburses TEFAP and federal nutrition assistance programs for the reprogrammed foods.¹⁰⁶ Disaster Household Distribution facilitates faster distribution to households by reducing administrative requirements (e.g., removing eligibility determinations); however, it temporarily results in lower USDA Foods inventory for TEFAP and other federal nutrition assistance programs. USDA authorized Disaster Household Distribution using TEFAP foods in several states in recent years, including during the COVID-19 pandemic.¹⁰⁷

¹⁰¹ Section 204 of the Emergency Food Assistance Act of 1983 (codified at 7 U.S.C. §7508).

¹⁰² USDA, FNS, “Percentage of TEFAP Administrative Funds Passed Through from State Agencies to Emergency Feeding Organizations: FY2021,” <https://www.fns.usda.gov/tefap/percentage-tefap-administrative-funds-passed-through-state-agencies-emergency-feeding>. Note that territories are exempted from the matching requirement if it is under \$200,000 (7 C.F.R. §251.9).

¹⁰³ Washington State Department of Agriculture, *The Emergency Food Assistance Program (TEFAP): Distribution National Survey 2015*, AGR 609-574.

¹⁰⁴ Section 215 of the Emergency Food Assistance Act of 1983 (codified at 7 U.S.C. §7516).

¹⁰⁵ 7 C.F.R. §250.69; USDA, FNS, Food Distribution Division, “USDA Foods Program Disaster Manual,” revised September 2017, <https://fns-prod.azureedge.net/sites/default/files/fdd/disaster-manual.pdf>; USDA, FNS, “USDA Foods Disaster Assistance,” <https://www.fns.usda.gov/disaster/usda-foods-disaster-assistance>. Note that households cannot receive both disaster SNAP benefits and disaster USDA Foods. USDA Foods for household consumption are most often obtained from inventories intended for TEFAP, the Commodity Supplemental Food Program, and the Food Distribution Program on Indian Reservations.

¹⁰⁶ 7 C.F.R. §250.69(g).

¹⁰⁷ For example, foods intended for TEFAP were used for disaster response in Florida, Texas, and Puerto Rico following Hurricanes Irma, Harvey, and Maria in 2017. For a list of FNS’s disaster response by state, see USDA, FNS, “State by State FNS Disaster Assistance,” <https://www.fns.usda.gov/disaster/state-by-state>.

Additional foods may also be distributed through TEFAP to aid in disaster and emergency response, and additional flexibilities may be provided. Congress may provide supplemental funding for disaster or emergency feeding through TEFAP, as was the case during the COVID-19 pandemic and during hurricanes and wildfires in recent years.¹⁰⁸ In addition, USDA and/or states may adjust certain program rules during a disaster or emergency (e.g., by amending state plans).

COVID-19 Pandemic Response

The COVID-19 pandemic response included both transferring TEFAP foods to Disaster Household Distribution programs and distributing a higher volume of foods and funds through TEFAP.¹⁰⁹

During the early months of the COVID-19 pandemic, USDA authorized some states' requests to use TEFAP foods for Disaster Household Distribution. Following the presidential emergency declaration for COVID-19, USDA approved requests from 21 states, Guam, and 33 tribal nations to repurpose TEFAP foods for Disaster Household Distribution.¹¹⁰ These approvals had different timeframes but typically ended by July 2020.

There was also additional federal aid distributed through TEFAP as a result of funding provided by COVID-19 pandemic response acts. Specifically, supplemental appropriations for TEFAP entitlement foods and administrative funds were provided by the Families First Coronavirus Response Act (FFCRA; P.L. 116-127) (\$400 million), the CARES Act (P.L. 116-136) (\$450 million), and the Consolidated Appropriations Act, FY2021 (P.L. 116-260) (\$400 million). In addition, the Biden Administration decided to use another \$500 million in CARES Act funds for TEFAP entitlement purchases and administrative funds and \$100 million in ARPA funds for Reach and Resiliency grants (discussed previously).¹¹¹ These amounts and authorities are shown in **Table 2**.

During the pandemic, USDA also encouraged states to make policy changes within TEFAP to facilitate food distribution, such as expanding eligibility rules for participants and waiving signature requirements for the receipt of TEFAP foods.¹¹²

¹⁰⁸ For example, the Bipartisan Budget Act of 2018 (P.L. 115-123) provided \$24 million in supplemental funding for TEFAP commodities and administrative funds to jurisdictions that received a major disaster or emergency declaration related to the consequences of Hurricanes Harvey, Irma, and Maria or wildfires in 2017.

¹⁰⁹ For further discussion of the use of TEFAP in responding to the COVID-19 pandemic, see CRS Report R46681, *USDA Nutrition Assistance Programs: Response to the COVID-19 Pandemic*.

¹¹⁰ USDA, FNS, "Disaster Household Distribution," June 11, 2020, <https://www.fns.usda.gov/usda-foods/covid-19-disaster-household-distribution>.

¹¹¹ USDA, FNS, "The Emergency Food Assistance Program (TEFAP): Allocation of Supplemental Food and Administrative Funds from Division B of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act)," FNS-GD-2021-0083, August 4, 2021.

¹¹² USDA, FNS, "Questions and Answers related to COVID-19 and the Emergency Food Assistance Program (TEFAP)," May 22, 2020, <https://www.fns.usda.gov/tefap/covid-19-qas>; USDA, Office of Inspector General (OIG), *COVID-19—Oversight of the Emergency Food Assistance Program—Final Report*, August 18, 2023, <https://usdaoig.oversight.gov/reports/inspection-evaluation/covid-19-oversight-emergency-food-assistance-program-final-report>.

Table 2. COVID-19 Response Funding for TEFAP

Authority (in order of enactment)	Description	Timeframe	Budget Authority (millions of dollars)
Families First Coronavirus Response Act (FFCRA; P.L. 116-127), Division A, Title I, "Commodity Assistance Program"	Supplemental funding for TEFAP entitlement foods, up to \$100 million of which could be used for administrative costs. ^a	Made available to states in FY2020	400
CARES Act (P.L. 116-136), Division B, Title I, "Commodity Assistance Program"	Supplemental funding for TEFAP entitlement foods, up to \$150 million of which could be used for administrative costs. ^b	Made available to states in FY2020	450
CARES Act (P.L. 116-136), Division B, Title I, "Office of the Secretary"	Funding for USDA "to prevent, prepare for, and respond to coronavirus by providing support for agricultural producers." USDA used \$500 million for supplemental TEFAP entitlement foods, up to \$100 of which could be used for administrative funds. ^c	Made available to states in FY2022	500
Consolidated Appropriations Act, 2021 (P.L. 116-260), Division N, Title VII, Section 711	Supplemental funding for TEFAP entitlement foods, up to \$80 million of which could be used for administrative costs. ^d	Made available to states in FY2021	400
American Rescue Plan Act of 2021 (ARPA; P.L. 117-2), Title I, Section 1001(b)(4)	Funding for USDA "to make loans and grants and provide other assistance to maintain and improve food and agricultural supply chain resiliency." USDA designated \$100 million for TEFAP Reach and Resiliency grants. ^e	Made available to states in FY2022 and FY2023	100
Total			1,850

Source: CRS, based on the referenced laws and USDA funding announcements (cited below).

Notes: Amounts made available are not necessarily the amounts expended by states.

- a. USDA, FNS, "Additional Information on FY 2020 Funding Sources for TEFAP," FNS-GD-2020-0091, June 12, 2020.
- b. USDA, FNS, "The Emergency Food Assistance Program (TEFAP): Allocation of Coronavirus Aid, Relief, and Economic Security Act Supplemental Appropriations," FNS-GD-2020-0052, April 4, 2020.
- c. USDA, FNS, "The Emergency Food Assistance Program (TEFAP): Allocation of Supplemental Food and Administrative Funds from Division B of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act)," FNS-GD-2021-0083, August 4, 2021.
- d. USDA, FNS, "FY 2021 Food and Administrative Funding for The Emergency Food Assistance Program," February 16, 2021.
- e. USDA, FNS, "USDA Foods from Farm to Plate: Household Highlights, December 2021," December 22, 2021.

Farm Bill Reauthorization

TEFAP is typically amended and reauthorized through farm bills. The 2018 farm bill (P.L. 115-334) extended TEFAP's funding authorization and increased funding for entitlement commodities

through FY2023.¹¹³ The law also authorized *Farm to Food Bank Projects* (discussed previously) and provided \$4 million in annual mandatory funding for such projects through FY2023. In addition, the 2018 farm bill required states to include, in their TEFAP state plans, a plan to provide emergency feeding organizations and other recipient agencies with the opportunity to provide input on commodity preferences and needs (e.g., in regard to USDA Foods), such as through a state advisory board. In addition, the law required USDA to issue guidance outlining best practices to minimize food waste of commodities donated by non-USDA entities.¹¹⁴

Prior farm bills have also increased funding for TEFAP's entitlement commodities, including in 2014 (P.L. 113-79) and 2008 (P.L. 110-246). The 2014 farm bill also required USDA to develop a plan to increase purchases of Kosher and Halal foods and allowed TEFAP funds to be spent over two fiscal years.

¹¹³ For further discussion, see CRS Report R45525, *The 2018 Farm Bill (P.L. 115-334): Summary and Side-by-Side Comparison*.

¹¹⁴ USDA issued guidance regarding this provision on August 15, 2019; USDA, FNS, "Best Practices to Minimize Food Waste of Privately Donated Foods to The Emergency Food Assistance Program (TEFAP) State Agencies and Emergency Feeding Organizations," August 15, 2019, <https://www.fns.usda.gov/tefap/best-practices-minimize-food-waste>.

Appendix A. TEFAP Funding, FY1983-FY2022

Table A-1. Total TEFAP Funding, FY1983-FY2022
(constant [inflation-adjusted] FY2022 dollars in millions)

Fiscal Year	Annual Administrative Funds	Annual Entitlement Foods	Bonus Foods	Disaster and COVID-19 Foods and Funds	Trade Mitigation Foods and Funds	Total
1983	132	-	2,184	-	-	2,316
1984	126	-	2,586	-	-	2,712
1985	138	-	2,354	-	-	2,492
1986	119	-	2,007	-	-	2,125
1987	115	-	1,950	-	-	2,066
1988	111	-	1,198	-	-	1,309
1989	107	343	290	-	-	740
1990	104	331	248	-	-	683
1991	100	303	178	-	-	581
1992	86	290	163	-	-	539
1993	84	298	197	-	-	578
1994	73	218	89	-	-	380
1995	71	116	63	-	-	249
1996	53	85	25	-	-	164
1997	71	222	50	-	-	343
1998	78	169	184	-	-	431
1999	77	149	180	-	-	405
2000	71	161	264	-	-	496
2001	71	158	507	-	-	736
2002	85	211	268	-	-	563
2003	91	198	368	-	-	656
2004	88	190	345	-	-	622
2005	84	187	221	-	-	491
2006	88	180	93	8	-	368
2007	78	175	78	-	-	332
2008	74	237	231	-	-	542
2009	115	437	486	a	-	1,038
2010	155	296	443	a	-	895
2011	88	285	294	-	-	666
2012	81	297	372	-	-	750
2013	78	298	276	7	-	659

Fiscal Year	Annual Administrative Funds	Annual Entitlement Foods	Bonus Foods	Disaster and COVID-19 Foods and Funds	Trade Mitigation Foods and Funds	Total
2014	82	318	355	-	-	755
2015	87	386	358	-	-	832
2016	91	376	359	-	-	826
2017	96	343	310	-	-	749
2018	102	325	349	27	-	803
2019	165	283	447	0	1,175	2,070
2020 ^b	149	100	780	660	1,299	2,989
2021 ^b	168	339	742	421	-	1,669
2022 ^{b,c}	136	465	517	500	-	1,619

Source: CRS calculations using USDA, FNS Congressional Budget Justifications for FY1983-FY2024. Amounts are in FY2022 dollars, adjusted for GDP inflation by CRS using Office of Management and Budget (OMB), “Historical Tables: Table 10.1—Gross Domestic Product and Deflators Used in the Historical Tables: 1940–2028.”

Notes: Subtotals may not sum to totals due to rounding. Table displays food and administrative funds made available to states and USDA bonus purchases. State funds are after conversion of any entitlement commodity funds to administrative funds, and administrative funds to commodity funds, and include any entitlement food and administrative funds that states carried over from the prior fiscal year.

- a. In FY2009 and FY2010, entitlement food and administrative fund amounts include supplemental American Recovery and Reinvestment Act (ARRA) funding. ARRA included \$100 million in TEFAP commodity funding and \$50 million in TEFAP administrative funding that was distributed in FY2009 and FY2010. An additional \$28 million in ARRA funds were reprogrammed as TEFAP administrative funds in FY2010.
- b. Table does not include Farm to Food Bank Project funding (for award amounts, see USDA, FNS, “The Emergency Food Assistance Program Farm to Food Bank Project Grants,” December 1, 2022, <https://www.fns.usda.gov/tefap/farm-to-food-bank-project-grants>).
- c. Table does not include FY2022 Reach and Resiliency grant funding (for award amounts, see USDA, FNS, “Reach and Resiliency Grant Initiative,” March 14, 2023, <https://www.fns.usda.gov/tefap/reach-resiliency-grant>).

Appendix B. TEFAP Spending by State, FY2022

Table B-1. TEFAP Expenditures by State, FY2022

	Annual Administrative Funds^a	Annual Entitlement Foods^a	Bonus Foods	Disaster Foods and Administrative Funds^b	Total
Alabama	\$2,181,440	\$5,387,164	\$7,792,463	\$7,834,317	\$23,195,385
Alaska	286,636	810,711	1,271,750	1,615,573	3,984,670
Arizona	3,566,548	6,323,016	12,849,390	12,594,499	35,333,453
Arkansas	797,552	5,433,548	5,627,083	5,541,670	17,399,853
California	21,531,202	44,761,982	66,209,824	61,715,000	194,218,008
Colorado	1,647,363	8,763,942	9,231,649	8,008,714	27,651,668
Connecticut	926,647	3,463,122	3,583,363	4,096,753	12,069,886
Delaware	197,038	1,105,109	2,769,826	2,546,860	6,618,833
DC	237,055	1,566,272	660,147	383,771	2,847,246
Florida	6,248,120	29,636,451	35,004,018	35,056,192	105,944,781
Georgia	3,828,735	11,358,173	16,314,179	17,052,976	48,554,063
Hawaii	370,701	1,781,630	1,090,285	1,441,887	4,684,502
Idaho	657,353	2,082,247	2,184,924	1,852,510	6,777,034
Illinois	3,017,139	19,249,508	18,227,488	19,392,548	59,886,683
Indiana	1,444,395	8,902,446	10,719,211	10,847,251	31,913,303
Iowa	576,866	2,585,512	3,611,806	4,643,180	11,417,365
Kansas	1,042,975	2,514,845	3,599,674	4,034,524	11,192,018
Kentucky	2,024,067	4,573,117	8,041,846	7,584,523	22,223,553
Louisiana	3,026,758	7,739,571	8,201,273	9,742,087	28,709,689
Maine	280,922	1,404,215	2,922,146	2,219,872	6,827,155
Maryland	2,511,120	8,222,959	1,711,104	2,045,270	14,490,453
Massachusetts	2,261,967	12,820,927	8,068,378	6,909,251	30,060,523
Michigan	4,529,339	9,185,141	17,172,126	19,711,858	50,598,464
Minnesota	1,523,101	6,496,604	5,194,667	4,499,106	17,713,478
Mississippi	1,002,116	3,460,180	5,612,055	5,553,807	15,628,158
Missouri	1,285,049	5,727,671	7,931,538	9,266,401	24,210,658
Montana	652,142	1,585,912	1,390,712	1,673,449	5,302,215
Nebraska	644,907	1,234,213	2,207,106	2,110,545	6,196,771
Nevada	1,133,996	5,532,162	6,647,865	5,698,429	19,012,451
New Hampshire	176,043	1,143,237	1,738,817	1,368,309	4,426,407
New Jersey	4,735,067	8,503,356	12,356,686	11,249,139	36,844,249
New Mexico	1,388,363	2,708,826	5,504,916	4,763,859	14,365,964

	Annual Administrative Funds ^a	Annual Entitlement Foods ^a	Bonus Foods	Disaster Foods and Administrative Funds ^b	Total
New York	10,866,095	26,584,004	32,207,782	28,642,850	98,300,731
North Carolina	5,239,896	9,221,017	15,543,921	15,988,951	45,993,785
North Dakota	160,440	868,938	1,087,343	1,059,268	3,175,988
Ohio	5,566,264	11,468,014	19,136,479	18,227,771	54,398,529
Oklahoma	911,484	6,642,133	6,754,046	5,812,553	20,120,216
Oregon	1,808,435	6,518,326	7,015,254	4,808,293	20,150,308
Pennsylvania	6,177,349	11,416,978	22,373,462	24,721,947	64,689,736
Rhode Island	393,576	1,585,518	778,213	1,144,185	3,901,493
South Carolina	1,265,908	6,009,758	9,099,494	7,066,665	23,441,825
South Dakota	167,705	1,439,414	1,241,007	1,134,021	3,982,147
Tennessee	2,533,957	8,821,542	10,259,932	10,360,936	31,976,366
Texas	10,018,893	32,438,094	52,985,977	45,657,116	141,100,080
Utah	903,192	1,680,139	3,293,629	3,889,061	9,766,021
Vermont	107,059	640,586	1,359,964	478,276	2,585,884
Virginia	3,265,596	7,506,763	7,498,466	7,029,223	25,300,048
Washington	3,239,271	6,693,580	12,081,376	9,342,474	31,356,700
West Virginia	972,648	2,215,870	3,376,603	6,216,655	12,781,776
Wisconsin	2,555,412	6,259,725	6,098,598	6,075,001	20,988,736
Wyoming	151,504	645,334	840,812	523,955	2,161,604
Northern Mariana Islands ^c	0	219,050	0	207,075	426,125
Guam	63,326	227,028	194,099	648,446	1,132,899
Puerto Rico	4,025,248	12,846,132	7,513,137	5,010,244	29,394,761
Virgin Islands	105,610	206,289	426,098	426,808	1,164,806
Total	134,635,141	403,129,420	516,614,004	497,525,903	1,551,904,468

Source: Data acquired through CRS communication with USDA on June 15, 2023.

Notes: Table does not include FY2022 Reach and Resiliency grant funding (for award amounts, see USDA, FNS, “Reach and Resiliency Grant Initiative,” March 14, 2023, <https://www.fns.usda.gov/tefap/reach-resiliency-grant>) or Farm to Food Bank grant funding (for award amounts, see USDA, FNS, “FY 2022 Farm to Food Bank Project Summaries,” November 10, 2021, <https://www.fns.usda.gov/tefap/fy-2022-farm-food-bank-project-summaries>). Amounts may not sum to totals due to rounding and the following: (1) entitlement food total includes \$3.3 million in spending on federal food procurement administrative expenses; (2) totals for administrative costs and entitlement foods include anticipated adjustments of -\$1.6 million and \$1.6 million respectively.

- a. Entitlement foods and administrative funds categories include funds carried over from FY2021. Table shows expenditures after conversion of any entitlement commodity funds to administrative funds, and administrative funds to commodity funds.
- b. Disaster Foods and Administrative Funds category refers to COVID-19 response funding provided under Division B, Title I of the CARES Act (P.L. 116-136).
- c. USDA provided the Commonwealth of the Northern Mariana Islands with cash in lieu of commodities in FY2022.

Appendix C. Legislative History of TEFAP

Program Inception¹¹⁵

In 1982, the Reagan Administration created a discretionary dairy distribution program to dispose of stockpiles of CCC-purchased commodities (namely, cheese and butter). This effort occurred in the aftermath of reductions in federal food assistance (e.g., food stamps) legislated in 1981 and 1982 and in the midst of an economic recession and concern over hunger and homelessness. USDA distributed the foods to states, which selected recipient organizations.

As the program developed, there were requests for additional types of commodities such as flour, rice, and nonfat dry milk that USDA had purchased and put in storage. In addition, there were reports of local organizations declining foods because of a lack of storage and distribution capacity. These and other factors prompted pressure for federal cash assistance as well as increased variety and volume of foods. In 1983, Congress followed up with funding for grants to help with distribution costs and legislative authority that created the Temporary Emergency Food Assistance Program (TEFAP) (P.L. 98-8 and P.L. 98-92). Establishment of TEFAP helped reduce federal commodity inventory and storage costs, provided an alternative source of food assistance for low-income individuals, and supported an expanding network of charitable emergency feeding providers that also drew food and resources from private sources.¹¹⁶

Changes to TEFAP's Funding¹¹⁷

USDA continued to distribute large amounts of CCC-purchased foods (including cheese, butter, nonfat dry milk, cornmeal, flour, honey, and rice) through FY1988. That year, CCC holdings began to drop substantially because of changes in agricultural policies and the economy, and the Reagan Administration indicated plans to phase out TEFAP. Instead, Congress authorized a specific level of funding (starting at \$120 million for FY1989) for USDA to buy commodities for distribution through TEFAP, entitling the program to a minimum level of support regardless of the level of federal commodity holdings (P.L. 100-435). The law also created a separate program to buy commodities for soup kitchens and food banks not receiving TEFAP commodities (mandatory funding was provided at \$40 million for FY1989). The separate program was established out of a concern that some food banks had trouble meeting TEFAP rules, and that most commodities for emergency feeding were going to local agencies that distributed food packages directly to individuals and families (e.g., food pantries), rather than to soup kitchens, homeless shelters, and other organizations serving meals in congregate settings.

In 1990, the omnibus farm bill (P.L. 101-624) changed funding for TEFAP and the soup kitchen program from appropriated mandatory to discretionary (dependent on annual appropriations

¹¹⁵ Adapted from CRS Report RL30164, *The Emergency Food Assistance Program and Emergency Feeding Needs*; and CRS Issue Brief IB85095, *Commodity Donations to the Poor: The Temporary Emergency Food Assistance Program*. (These reports are no longer available.)

¹¹⁶ Further discussion of the history and expansion of the emergency feeding network is in Doug O'Brien, Erinn Staley, Stephanie Uchima, Eleanor Thompson, and Halley Torres Aldeen, *The Charitable Food Assistance System: The Sector's Role in Ending Hunger in America*, UPS Foundation and the Congressional Hunger Center, 2004, <https://www.hungercenter.org/wp-content/uploads/2012/10/The-Charitable-Food-Assistance-System-Americas-Second-Harvest.pdf>.

¹¹⁷ Adapted from CRS Report RL30164, *The Emergency Food Assistance Program and Emergency Feeding Needs*; and CRS Issue Brief IB85095, *Commodity Donations to the Poor: The Temporary Emergency Food Assistance Program*. (These reports are no longer available.)

decisions). The law also removed the word “Temporary” from the program title. Over the next few years, funding for TEFAP declined, reaching an all-time low in FY1996. However, that same year, the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA; P.L. 104-193) reinstated appropriated mandatory funding (\$100 million per year through FY2002) for TEFAP’s entitlement foods, partly in an effort to provide a safety net for households losing access to food stamps as a result of other provisions in the law. PRWORA also incorporated the soup kitchen program into TEFAP.

Following these changes, funding generally increased in the late 1990s and early to mid-2000s. There was another dip in appropriations in FY2006 and FY2007, but the 2008 farm bill raised annual entitlement purchases to \$250 million starting in FY2009 (indexed annually for food-price inflation in later years).¹¹⁸ There were also supplemental funds available for TEFAP in FY2009 and FY2010 as a result of ARRA. In addition, the 2014 farm bill increased mandatory funding for TEFAP’s entitlement commodities by a Congressional Budget Office (CBO)-estimated \$125 million over five years.¹¹⁹ Total funding from FY2011 to FY2018 hovered around \$600-\$700 million annually.¹²⁰

Recent Changes and Increases in Spending

As discussed in this report, there has been an influx of federal aid in TEFAP in recent years. The 2018 farm bill increased funding for TEFAP’s entitlement foods by a CBO-estimated \$105 million over five years. It also provided mandatory funding of \$4 million for each of FY2019-FY2023 for new Farm to Food Bank Projects. These projects provide funds directly to local organizations (in contrast to TEFAP’s traditional structure of federally purchased foods).

In August 2018, the Trump Administration announced an additional \$1.2 billion for TEFAP bonus purchases as part of its trade aid package.¹²¹ These and another round of purchases (\$1.4 billion) were distributed through TEFAP in FY2019 and FY2020.¹²² In FY2020- FY2022, TEFAP saw another influx of aid as lawmakers aimed to use the program to address increased demand for food assistance during the COVID-19 pandemic.¹²³ In total, approximately \$1.9 billion was available for TEFAP in FY2019, approximately \$2.7 billion was available for TEFAP in FY2020, and approximately \$1.6 billion was available in FY2021 and FY2022—more than double the amounts available in recent prior years. It is unclear whether this level of spending is a new normal for TEFAP, or whether it will return to previous levels.

¹¹⁸ See CRS Report RL33934, *The 2008 Farm Bill: A Summary of Major Provisions and Legislative Action* (available to congressional clients upon request).

¹¹⁹ See CRS Report R43332, *SNAP and Related Nutrition Provisions of the 2014 Farm Bill (P.L. 113-79)*.

¹²⁰ USDA, FNS Congressional Budget Justifications for FY2008-FY2020, available at USDA, “Congressional Justifications: Archived USDA Explanatory Notes,” <https://www.usda.gov/obpa/congressional-justifications>.

¹²¹ For more information, see CRS Report R45310, *Farm Policy: USDA’s 2018 Trade Aid Package*; and CRS Report R45865, *Farm Policy: USDA’s 2019 Trade Aid Package*. USDA, “USDA Announces Details of Assistance for Farmers Impacted by Unjustified Retaliation,” press release, August 27, 2018, <https://www.usda.gov/media/press-releases/2018/08/27/usda-announces-details-assistance-farmers-impacted-unjustified>. The largest purchases announced include pork, sweet cherries, apples, pistachios, dairy, and almonds.

¹²² USDA, “USDA Announces Support for Farmers Impacted by Unjustified Retaliation and Trade Disruption,” press release, May 23, 2019, <https://www.usda.gov/media/press-releases/2019/05/23/usda-announces-support-farmers-impacted-unjustified-retaliation-and>.

¹²³ Nicholas Kulish, “‘Never Seen Anything Like It’: Cars Line Up for Miles at Food Banks,” April 8, 2020, *New York Times*, <https://www.nytimes.com/2020/04/08/business/economy/coronavirus-food-banks.html>.

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