

approval. These provisions will afford FCS increased flexibility in responding to situations of distress, and at the same time ensure that the use of USDA commodities in these situations is warranted.

In addition, this rule proposes to clarify in Section 250.44 that the determination as to the appropriate period of time for which commodities will be made available would be subject to revision as developing circumstances dictate. In instances when the distributing agency extends the distributions within the 30-day period discussed above, it must notify the FCSRO of such extensions. Submission of this information to the FCSRO is

necessary to facilitate accurate replacement of USDA commodities, as discussed below.

#### Replacement of Commodities

Section 250.44 of the current regulations does not contain provisions relative to the replacement of the USDA commodities that States use to provide assistance during a situation of distress. USDA has limited funding to purchase commodities for use in providing food assistance in situations of distress, and can also donate for this use commodities purchased under price-support and surplus removal authorities. Therefore, USDA commodities that are used from the

State's inventory for a situation of distress will be replaced at the request of the distributing agency to the extent that inventories of price-support and surplus-removal commodities permit. This rule proposes to amend Section 250.44 to include this replacement policy. In addition, to ensure timely submission of requests for replacement, this rule proposes to incorporate a requirement that such requests be submitted within 30 days following termination of the distributions.

The attached chart has been included in this preamble to assist readers in understanding the basic provisions set forth in this proposed rule.

	Disaster		Situation of distress	
Definition .....	(1) any natural catastrophe (including any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought), or, regardless of cause, any fire, flood, or explosion, in any part of the U.S., which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under the DREAA to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby; or (2) any other occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the U.S.		(1) a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other natural catastrophe not declared by the President to be an emergency or disaster, but which, in the judgment of the distributing agency, warrants the use of USDA commodities for congregate feeding; and (2) any other situation not declared by the President to be an emergency or disaster, but which, in the judgment of FCS, warrants the use of USDA commodities for congregate feeding or household distribution.	
Food assistance authorized	Congregate feeding	Household distribution	Congregate feeding	Household distribution
Approval authority .....	State distributing agency.	FCS HQ .....	If distress situation in accordance with (1) in above definition, State distributing agency; Otherwise, FCS HQ.	FCS HQ.
Applicable sections of regulations.	250.43(b) .....	250.43(c) .....	250.44(b) .....	250.44(c).
Household information required.	None .....	Name; Address; Number in Household; Assurance Statement re: need and dual participation in food stamps; Signature (in instances when the Food Stamp Program is in operation).	None .....	Name; Address; Number in Household; Assurance Statement re: need and dual participation in food stamps; Signature (in instances when the Food Stamp Program is in operation).
Replacement of USDA commodities.	Yes .....	Yes .....	To the extent available .....	To the extent available.

#### List of Subjects

##### 7 CFR Part 250

Aged, Agricultural commodities, Business and industry, Food assistance programs, Food donations, Food processing, Grant programs-social programs, Indian, Infants and children, Price support programs, Reporting and recordkeeping requirements, School breakfast and lunch programs, Surplus agricultural commodities.

Accordingly, 7 CFR Part 250 is proposed to be amended as follows:

#### PART 250—DONATION OF FOODS FOR USE IN THE UNITED STATES, ITS TERRITORIES AND POSSESSIONS AND AREAS UNDER ITS JURISDICTION

1. The authority citation for Part 250 continues to read as follows:

Authority: 5 U.S.C. 301; 7 U.S.C. 612c, 612 note, 612c note, 1431, 1431b, 1431e, 1431 note, 1446a-1, 1859; 15 U.S.C. 713c; 22 U.S.C. 1922; 42 U.S.C. 1755, 1758, 1760, 1761, 1762a, 1766, 3030a, 5179, 5180.

2. In Section 250.3:

- The definitions of *Emergency* and *Major Disaster* are removed; and
- definitions of *Disaster* and *Situation of Distress* are added in alphabetical order.

The additions read as follows:

#### § 250.3 Definitions.

\* \* \* \* \*

*Disaster* means:

(a) any natural catastrophe (including any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought), or, regardless of