

cause, any fire, flood, or explosion, in any part of the United States, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under the Disaster Relief and Emergency Assistance Act 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

(b) 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 United States.

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Situation of Distress means:

(a) 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

(b) 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.

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3. Section 250.43 is revised to read as follows:

§ 250.43 Disaster Food Assistance.

(a) *Organizational eligibility.* In instances in which the President has declared a disaster and FCS has determined that, as a result of the disaster, low-income households are unable to purchase adequate amounts of nutritious food, disaster organizations (including agencies of State and Federal government) may be eligible to receive donated foods for congregate meal service or household distribution to disaster victims. Applications submitted for the receipt and distribution of donated foods in accordance with paragraphs (b)(2) and (c)(2) of this section shall be initially submitted in writing if circumstances permit and, if not, confirmed in writing in a timely manner. Both the applications and the written approval for the use of USDA commodities shall be maintained in accordance with the recordkeeping requirements of this Part.

(b) *Congregate meal service.* (1) *Approval authority and duration.* Distributing agencies may review and approve applications submitted by disaster organizations for the donation of foods for use in preparing congregate meals for disaster victims. Distributing agencies also shall determine the length of such donations, taking into consideration the magnitude of the situation, and may extend the duration of such donations as developing circumstances dictate. Following approval of a request for donated foods, the distributing agency shall make appropriate donated foods available from any source within the State to the disaster organization(s) and within 24 hours of approving the application shall report the information listed in paragraph (b)(2) of this section to the appropriate FCSRO.

(2) *Applications.* Disaster organizations shall submit applications for the receipt and distribution of donated foods for use in providing congregate meal service to the distributing agency. Applications shall, to the extent possible, include the following information:

- (i) Description of disaster or emergency situation;
- (ii) Number of people requiring meals;
- (iii) Period of time for which commodities are requested; and
- (iv) Quantity and types of food needed for congregate meal service.

In addition, organizations shall report the number and location of sites providing congregate meal service as sites are established.

(c) *Household distribution.* (1) *Approval authority and duration.* Distributing agencies shall submit applications for the distribution of donated foods to households to the appropriate FCSRO for submission to FCS for approval. FCS will determine the length of time such donations will be made, taking into consideration the magnitude of the situation, and may extend the duration of such donations as developing circumstances dictate.

(2) *Applications.* Disaster organizations shall submit applications for the receipt and distribution of donated foods to households to the distributing agency. Applications shall, to the extent possible, include the following information:

- (i) Description of disaster or emergency situation;
- (ii) Identification of the specific area(s) included in the request;
- (iii) Number of households affected;
- (iv) Explanation as to why the distribution of commodities to households is warranted;
- (v) Anticipated distribution period;

- (vi) Method of distribution available;
- (vii) Quantity and types of food needed for distribution;
- (viii) Statement of assurance that simultaneous food stamp and commodity assistance will not be provided to individual households; and
- (ix) Description of the system that will be implemented to prevent dual participation.

Information on the number and location of sites where commodities are to be distributed shall be provided as sites are established.

(3) *Collection of household information.* In instances in which the Food Stamp Program is in operation, any entity (i.e. Federal, State, or local) distributing donated foods to households shall, at a minimum, collect the information listed below in a format prescribed by the distributing agency. Such information shall be forwarded to the distributing agency and maintained by the distributing agency in accordance with the recordkeeping requirements contained in this Part, *except* that such information may, at the discretion of the distributing agency, be maintained by the organization distributing commodities if such organization is an agency of the State government.

- (i) Name of household member applying for assistance;
- (ii) Address;
- (iii) Number of household members; and
- (iv) Statement signed by the household certifying that the household:
 - (A) is in need of food assistance;
 - (B) understands that misrepresentation of need, and the sale or exchange of the donated food are prohibited and could result in a fine, imprisonment, or both;
 - (C) is not residing in a shelter which provides food assistance; and
 - (D) is not receiving food stamp assistance.

(d) *Quantities and value of donated foods.* The distributing agency shall make donated foods available to eligible disaster organizations based on the caseload factor information provided by the disaster organizations.

(e) *Types of donated foods authorized for donation.* Disaster organizations providing food assistance under this Section are eligible to receive donated foods under section 416, section 32, section 709, section 4(a), and sections 412 and 413 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5181–82).

(f) *Summary report.* Within 30 days following termination of the disaster assistance, the distributing agency shall provide a summary report to the appropriate FCSRO using Form FNS–