

292, Report of Coupon Issuance and Commodity Distribution for Disaster Relief.

(g) *Replacement.* The distributing agency shall request, in writing to the FCSRO, the replacement of foods used for disaster assistance within 30 days following termination of the assistance. FCS will replace donated foods used from State and/or local inventories for disaster assistance in instances when a request for replacement is submitted within the required 30 days or sufficient justification exists to waive the 30-day requirement.

4. Section 250.44 is revised to read as follows:

**§ 250.44 Food Assistance in Situations of Distress.**

(a) *Organizational eligibility.* In situations of distress in which needs for food assistance cannot be met under other provisions of this Part, organizations (including agencies of State and Federal government) may be eligible to receive donated foods for congregate meal service or household distribution to victims of the situation of distress. 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 for the donation of foods for use in preparing congregate meals for a period not to exceed 30 days for victims of situations of distress in instances in which the need for such assistance meets the conditions of paragraph (a) of the definition of *Situation of Distress* in Section 250.3. Following approval of a request, distributing agencies shall report the information listed in paragraph (b)(2) of this section to the appropriate FCSRO within 24 hours. In instances when the distributing agency extends the distribution period initially approved up to the 30-day limit, it shall notify the FCSRO of such extensions. Distributing agencies shall request approval from FCS, via the appropriate FCSRO, for donations to exceed 30 days. Applications for the donation of foods for congregate meals in instances other than those that meet the criteria in paragraph (a) of the definition of *Situation of Distress* in Section 250.3

shall be forwarded by the distributing agency to the appropriate FCSRO for submission to FCS for approval. FCS will determine the duration of such donations, taking into consideration the magnitude of the situation. Determinations as to the length of donations may be revised as developing circumstances dictate.

(2) *Applications.* (i) 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:

(A) Description of the situation of distress;

(B) Number of people requiring meals and congregate meal service period; and

(C) Quantity and types of food needed.

(ii) In addition, information on the number and location of sites providing meals shall be submitted as sites are established.

(c) *Household distribution.* (1)

*Approval authority and duration.*

Applications for the donation of foods for distribution to households shall be forwarded by the distributing agency to the appropriate FCSRO for submission to FCS for approval. FCS will determine the duration of the donations, taking into consideration the magnitude of the situation. Such determinations may be revised as developing circumstances dictate.

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

(i) Description of the situation of distress;

(ii) Explanation as to why the distribution of commodities to households is warranted;

(iii) Identification of the specific area(s) included in the request;

(iv) Anticipated distribution period;

(v) Number of households expected to participate;

(vi) Quantity and types of food needed for distribution;

(vii) Statement of assurance that simultaneous food stamp and commodity assistance will not be provided to individual households; and

(viii) Description of the system that will be implemented to prevent dual participation.

In addition, information on the number and location of sites shall be provided as sites are established.

(3) *Collection of household*

*information.* In a format prescribed by the distributing agency, any entity (i.e. Federal, State, or local) distributing donated foods to households in an area where the Food Stamp Program is in operation shall, at a minimum, collect the information listed below. 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 organizations based on the caseload factor information provided by the organizations.

(e) *Types of donated foods authorized for donation.* Organizations providing food assistance in situations of distress are eligible to receive donated foods under section 416, section 32, section 709, and section 4(a).

(f) *Summary report.* Within 30 days following termination of the assistance, the distributing agency shall provide a summary report to the appropriate FCSRO using Form FNS-292, Report of Coupon Issuance and Commodity Distribution for Disaster Relief.

(g) *Replacement.* The distributing agency shall request, in writing to the FCSRO, the replacement of foods used for a situation of distress within 30 days following termination of the assistance. FCS will replace donated foods used from State and/or local inventories for situations of distress to the extent that foods are available.

Dated: November 28, 1995.

William E. Ludwig,  
Administrator.

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