

within the State having incomes below the poverty level and 40 percent on the number of unemployed persons within the State. The Department will notify each State of the types and amounts of such commodities allotted to the State under the formula when funds have been appropriated for the purchase of such commodities. The Department will make annual adjustments to the commodity allocations for each State, based on updated unemployment statistics, which will be effective for the entire fiscal year, except that such allocations shall be subject to reallocation or transfer in accordance with paragraph (d)(4) of this section and § 250.13(a).

(2) The distributing agency shall notify the appropriate FCSRO of the amount of the donated food it will accept no later than 30 days prior to the beginning of the shipping period.

(3) The distributing agency shall accept or adjust the data reported in the agreement by soup kitchens and food banks to determine the number of meals to be served to needy persons and the number of needy households to be served in order to allocate the donated food in an equitable manner that ensures that commodities will not be made available in quantities in excess of anticipated use or the ability of the organization to accept and store the commodities.

(4) In instances in which a State determines that it will not accept its full allocation, the Department will reallocate these commodities in a fair and equitable manner among those States that accept the full amount of their allocations and request additional amounts.

(e) *Funding.* Soup kitchens and food banks receiving section 110 commodities shall be eligible to receive Emergency Food Assistance Program administrative funds for use in accordance with the provisions set forth in § 251.8(d)(1)(ii) of this chapter, provided that they have entered into an agreement in accordance with § 251.8(d)(2) of this chapter.

(f) *Maintenance of effort.* Prior to making donated food available, the distributing agency shall obtain written assurance from the soup kitchen or food bank that food donations from

other sources will not be diminished as a result of donated foods being made available under section 110 of the Hunger Prevention Act of 1988. This assurance statement shall be maintained on file by the distributing agency.

(g) *Food service management companies.* Institutions preparing congregate meals with section 110 commodities may employ food service management companies to conduct food service operations in accordance with § 250.12(c).

[59 FR 16973, Apr. 11, 1994]

### Subpart E—Where To Obtain Information

#### § 250.60 Program information.

Interested persons desiring information concerning the program may make written request to the following Regional Offices:

(a) Northeast Region, Food and Consumer Service, USDA, 10 Causeway Street, Boston, Massachusetts 02222-1065 for the following States: Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island and Vermont.

(b) Mid-Atlantic Region, Food and Consumer Service, USDA, Mercer Corporate Park, Corporate Blvd., CN 02150, Trenton, New Jersey 08650, for the following States: Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania, Puerto Rico, Virginia, Virgin Islands and West Virginia.

(c) Southeast Region, Food and Consumer Service, USDA, 1100 Spring Street, NW, Atlanta, Georgia 30367, for the following States: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee.

(d) Midwest Region, Food and Consumer Service, USDA, 50 East Washington Street, Chicago, Illinois 60602, for the following States: Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin.

(e) Mountain Plains Region, Food and Consumer Service, USDA, 2420 West 26th Avenue, Room 430-D, Denver, Colorado 80211, for the following States: Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah and Wyoming.

(f) Southwest Region, Food and Consumer Service, USDA, 1100 Commerce Street, Room 5-C-30, Dallas, Texas 75242, for the following States: Arkansas, Louisiana, New Mexico, Oklahoma and Texas.

(g) Western Region, Food and Consumer Service, USDA, 550 Kearney Street, Room 400, San Francisco, California 94108 for the following States: Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, Trust Territory and Washington.

## PART 251—THE EMERGENCY FOOD ASSISTANCE PROGRAM

Sec.

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AUTHORITY: 7 U.S.C. 7501-7516.

SOURCE: 51 FR 12823, Apr. 16, 1986, unless otherwise noted.

### §251.1 General purpose and scope.

This part announces the policies and prescribes the regulations necessary to carry out certain provisions of the Temporary Emergency Food Assistance Act of 1983, (7 U.S.C. 612c *note*).

### §251.2 Administration.

(a) Within the United States Department of Agriculture (the "Department"), the Food and Consumer Service (FCS) shall have responsibility for the distribution of food commodities and allocation of funds under the part.

(b) Within the States, distribution to emergency feeding organizations and receipt of payments for storage and distribution shall be the responsibility of the State agency which has: (1) Been designated for such responsibility by the Governor or other appropriate State executive authority; and (2) entered into an agreement with the Department for such distribution and re-

ceipt in accordance with paragraph (c) of this section.

(c) Each State agency that distributes donated foods to emergency feeding organizations or receives payments for storage and distribution costs in accordance with §251.8 shall perform those functions pursuant to an agreement entered into with the Department. This agreement shall be considered permanent, with amendments initiated by distributing agencies, or submitted by them at the Department's request, all of which shall be subject to approval by the Department. Such State agencies shall enter into a written agreement with eligible emergency feeding organizations. This agreement shall provide that emergency feeding organizations agree to operate the program in accordance with the requirements of this part, and, as applicable, part 250 of this chapter. The agreement shall be considered permanent, with amendments to be made as necessary. State agencies shall ensure that emergency feeding organizations provide, on a timely basis, by amendment to the agreement, any information on changes in program administration, including, but not limited to, any changes resulting from amendments to Federal regulations or policy.

[51 FR 12823, Apr. 16, 1986, as amended at 51 FR 17933, May 13, 1987; 59 FR 16974, Apr. 11, 1994; 62 FR 53731, Oct. 16, 1997]

### §251.3 Definitions.

For the purposes of this part:

(a) The terms used in this part that are defined in part 250 of this chapter shall have the meanings ascribed to them therein.

(b) *Distribution site* means the location(s) where the emergency feeding organization actually distributes commodities to needy persons under this part.

(c) *Emergency feeding organization* means any public or nonprofit private organization which has entered into an agreement with the designated State agency to provide nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons, and which receives commodities under agreements