



DATE: November 6, 2024

SUBJECT: Food Distribution Programs: Improving Access and Parity Final Rule:
USDA Foods Disaster Assistance Implementation Memorandum

TO: Regional Directors
Supplemental Nutrition Programs
MARO, MPRO, MWRO, NERO, SERO, SWRO, and WRO

State Distributing Agency Directors

On October 31, 2024, FNS published the [Food Distribution Programs: Improving Access and Parity Final Rule](#) (the final rule). Through this memorandum, FNS is providing State distributing agencies, including Indian Tribal Organizations (ITOs), with initial implementation guidance and implementation dates for the provisions of the final rule that pertain to USDA Foods Disaster Assistance.

The majority of provisions in this final rule related to USDA Foods Disaster Assistance will take effect 60 days after publication on December 30, 2024, and when required, must also be implemented by December 30, 2024. However, the removal of the prohibition on the simultaneous provision of USDA Foods and Disaster-SNAP (D-SNAP) during a disaster is effective immediately, as of October 31, 2024.

Attachment A, “USDA Foods Disaster Assistance Final Rule Provision Effective Immediately” provides initial implementation guidance for the removal of the prohibition on the simultaneous provision of USDA Foods and D-SNAP, which takes effect immediately upon publication of the final rule. **Attachment B, “Final Rule Provisions with Implementation Date of December 30, 2024”** provides initial implementation guidance for those provisions that will take effect and must be implemented 60 days after publication of the final rule.

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FNS will provide further guidance on specific provisions in the coming months, as needed.
State distributing agencies may direct any questions to their respective [FNS Regional Office](#).

/s/ Original Signature on File

Sara Olson

Director

Policy Division

Supplemental Nutrition and Safety Programs

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ATTACHMENT A – USDA Foods Disaster Assistance Final Rule Provision Effective Immediately

Regulatory Citation	Final Rule Provision	State Agency/ITO Action
<p>§ 250.69(c)(2) and § 250.70(d)</p> <p>Simultaneous Provision of USDA Foods Disaster Household Distributions (DHDs) and D-SNAP</p>	<p>Removes a longstanding prohibition on the simultaneous provision of USDA Foods to households via a DHD and Disaster Supplemental Nutrition Assistance Program (D-SNAP) benefits during disasters, emergencies, and situations of distress.</p>	<p><i>Required for State agency/ITO, if operating a Disaster Household Distribution.</i></p> <p>As a part of routine program operations, State agencies and ITOs that are operating DHDs must update any existing processes, forms, and signage to reflect this change and to allow those affected by disasters to receive both USDA Foods DHD assistance and D-SNAP, if available. The change is effective immediately for all DHDs that begin on or after October 31, 2024.</p> <p>[Additional guidance to follow via an update to the USDA Foods in Disasters manual.]</p>

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ATTACHMENT B – Final Rule Provisions with Implementation Date of December 30, 2024**Disaster Household Distribution Reporting**

Regulatory Citation	Final Rule Provision	State Agency/ITO Action
<p>§ 250.69(d) and § 250.70(d)</p> <p>Updated Reporting Requirements for Disaster Household Distributions (DHD)</p>	<p>Requires State distributing agencies operating disaster household distributions (DHDs) to submit a new biweekly (every other week) report to FNS for the duration of the approved DHD. The report must be submitted electronically and include (1) the start and end date of the distribution, (2) the total number of individuals served, (3) material identification codes for USDA Foods distributed, (4) a description of the foods distributed, and (5) the total units of each food distributed. This biweekly report is in addition to submission of the FNS 292A, Report of Commodity Distribution for Disaster Relief, which is due 45 days after termination of disaster assistance.</p>	<p><i>Required for State agency/ITO, if operating a Disaster Household Distribution.</i></p> <p>Distributing agencies operating DHDs must submit the electronic report in the manner required by FNS every two weeks, for the duration of the DHD. This requirement is effective for all DHDs that begin on or after December 30, 2024.</p> <p>[Additional guidance to follow, including a template or format for the biweekly report and how the information should be submitted.]</p>

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Technical Edits

Regulatory Citation	Final Rule Provision	State Agency/ITO Action
<p>§ 250.69 and § 250.70</p> <p>Reorganization of USDA Foods in Disasters regulations and Technical Updates</p>	<p>Clarifies requirements for the distribution of USDA Foods during a disaster or emergency at § 250.69 and during situations of distress at § 250.70. Language has been consolidated and reorganized for readability. Also replaces the outdated terms “commodities,” “food commodities,” “donated commodities,” and “donated foods,” with “USDA Foods” to further align with the definition of “USDA Foods” in 7 CFR part 250.</p>	<p>No action required.</p> <p>[Additional guidance to follow via an update to the USDA Foods in Disasters manual.]</p>
<p>§ 250.69(c) and § 250.70(c)</p> <p>Limitation on Impacts to Other Programs</p>	<p>Distributing agencies must ensure the operation of congregate meals service and/or disaster household distribution, including in situations of distress, is not administered in lieu of regular program operations, nor does it negatively impact the distribution of USDA Foods through other programs within a distributing agency’s jurisdiction.</p>	<p>No action required.</p> <p>This provision codifies existing policy, so no action is required. Distributing agencies must already be considering the operation of other USDA Foods programs when making decisions about using USDA Foods inventories for disaster response and must continue to do so under this final rule.</p>

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