



Food and
Nutrition
Service

Park Office
Center

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DATE: March 8, 2019

SUBJECT: Commodity Supplemental Food Program (CSFP) – Implementation of the Agriculture Improvement Act of 2018 (P.L. 115-334)

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

State Directors
All CSFP State Agencies and Indian Tribal Organizations (ITOs)

On December 20, 2018, the Agriculture Improvement Act of 2018 (Farm Bill) (P.L. 115-334) was signed into law. Section 4102 of the Farm Bill changes CSFP certification requirements outlined in 7 C.F.R. 247.16 effective immediately. As a result, States and ITOs are required to establish new certification periods of between one and three years for program participants. States and ITOs also have the option to permit their local agencies to issue temporary one-month certifications for applicants on waiting lists, as provided below.

Currently, program regulations provide that for elderly persons, as well as children who were certified and continue receiving CSFP benefits without interruption as of February 6, 2014, the State agency must establish certification periods that may not exceed six months in length. However, for elderly persons, the State agency may authorize local agencies to extend the certification period without a formal review of eligibility for additional six-month periods, as long as the conditions outlined in 7 C.F.R. 247.16(a)(2)(i) and (ii) are met. The minimum participant certification period is one month as participants must receive at least one month's worth of supplemental foods, per 7 C.F.R. 247.10 and applicable guide rates.

Section 4102 of the Farm Bill changes these requirements in the following ways. First, it establishes a statutory definition for the term "certification period" as the period during which a CSFP participant may continue to receive benefits under CSFP without a formal review of eligibility. Second, the Farm Bill directs CSFP States and ITOs to establish new certification periods that are not less than one year but not more than three years for both elderly persons and any children who remain on the program. Third, if a State or ITO chooses to establish a certification period that exceeds one year, the State must first receive approval from FNS. This approval can be sought by submitting an updated State Plan to the FNS Regional Office. Under the Act, FNS shall approve a certification period exceeding one year on the condition that on an annual basis, local agencies administering CSFP during the certification period applicable to the participant:

- (1) Verify the address and continued interest of the participant; and
- (2) Have sufficient reason to determine that the participant still meets the income eligibility standards, which may include a determination that the participant has a fixed income.

Under the Farm Bill, States and ITOs are also permitted to continue to provide temporary monthly certifications to eligible CSFP applicants to fill any caseload slots resulting from nonparticipation by certified participants. Consistent with existing program policy, State agencies may permit their local agencies to certify individuals for one-month periods to maximize caseload use and provide temporary CSFP benefits to participants on waiting lists when a regular program participant misses a scheduled distribution. This facilitates effective caseload management practices by permitting a State or ITO to fully use caseload and serve as many food packages as authorized in a given month.

CSFP States and ITOs must amend their State Plans and submit them to their respective FNS Regional Offices for review and approval **no later than May 1, 2019**. The State Plan amendments should outline the length of the State's or ITO's new certification periods for participants and the procedures for implementation among CSFP local agencies in the State. Once approved, new certification periods must be implemented immediately for new CSFP applicants and on a rolling basis for current participants on the date that their current certification period expires, provided that such participants continue to meet all other eligibility requirements outlined in 7 C.F.R. 247.9.

FNS will be updating program regulations at 7 C.F.R. 247 to implement the Farm Bill's CSFP provisions. In the meantime, this memorandum serves as interim guidance and is effective immediately. CSFP States and ITOs with questions should contact their FNS Regional Offices, which may in turn contact the FNS National Office at (703) 305-2680.

/s/ Original Signature On File

Laura Castro

Director

Food Distribution Division