
—PROGRAM INSTRUCTION—

Texas Department of Aging and Disability Services (DADS) – Access and Intake Division

TITLE:	Food Bank Product and Title III meals	NUMBER:	AAA-PI 319
SECTION:	Area Agencies on Aging	APPROVAL:	Sue Fielder
ISSUE DATE:	09/06/13	REVISION DATE:	N/A
RELEVANT CITATION(S):	7 CFR 250.42, Older Americans Act (OAA) Section 315(b)		
DISTRIBUTION:	<input type="checkbox"/> Executive Director <input checked="" type="checkbox"/> Director <input type="checkbox"/> Fiscal Director <input checked="" type="checkbox"/> AAA Section Staff		

PURPOSE:

The purpose of this PI is to provide clarification regarding the use of non-USDA/TEFAP (USDA) foods available through the Texas Food Bank Network (TFBN) in Area Agency on Aging (AAA) subcontract and vendor nutrition programs. The Texas Department of Agriculture (TDA) and the TFBN confirmed there are multiple sources of non-USDA/TEFAP donated food products allowable for use in the nutrition programs.

RELEVANT CITATIONS AND EFFECT OF LAW:

In accordance with 7 CRF 250.42 (c) (1) all nutrition programs operating under the auspices of DADS, including Older Americans Act (OAA) and Title XX (block grant) nutrition programs, may receive NSIP grants in the form of cash, USDA donated food or a combination of both. Because Texas elects to receive its NSIP grant maximum in cash, the use of USDA donated food is not allowable in its OAA or Title XX nutrition programs. The value of non-USDA donated food is not considered in calculating NSIP grants.

In accordance with OAA Section 315(b) voluntary cash contributions must be allowed and may be solicited for all services for which OAA funds are expended, including NSIP funds. OAA and Title XX providers accepting NSIP cash would violate USDA regulations since payments and contributions are not allowed in exchange for USDA donated food.

CLARIFICATION AND CURRENT PROCEDURES:

Non-USDA food products available through TFBN are allowable for use in OAA and Title XX funded congregate and home delivered nutrition programs, as applicable. The TFBN maintains a complex tracking system of all donations and distributions of food products and clearly identifies those donated through USDA. A AAA must ensure its nutrition providers purchase or accept only non-USDA/TEFAP food commodities from food banks for use in OAA-funded congregate or home delivered meal programs.

Food banks may have their own internal policies concerning the development of partnerships with organizations that solicit donations, regardless of the source of the food products. A AAA must ensure its nutrition providers do not enter into agreements that restrict voluntary contributions as a condition for purchasing or accepting food products.

Any provider choosing to use donated USDA food products in their nutrition program are not eligible for OAA, Title XX or NSIP funds. A AAA must ensure no OAA Title III funds are reimbursed to nutrition programs using USDA donated food.