

Food and  
Nutrition  
Service

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**DATE:** July 1, 2024

**POLICY NO:** FD-155: The Commodity Supplemental Food Program (CSFP), The Emergency Food Assistance Program (TEFAP)

**SUBJECT:** *Partnerships with Faith-Based and Neighborhood Organizations*  
Final Rule: Written Beneficiary Notice and Referral Requirements for CSFP and TEFAP State Agencies

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

State Directors  
All CSFP and TEFAP State Agencies

The purpose of this memorandum is to clarify the written notice and referral requirements for organizations that receive USDA Foods or administrative funding as part of the Commodity Supplemental Food Program (CSFP) and The Emergency Food Assistance Program (TEFAP), per the U.S. Department of Agriculture's (USDA) regulations on equal opportunity for religious organizations to participate in USDA assistance programs at [7 CFR Part 16](#). The final rule, entitled *Partnerships with Faith-Based and Neighborhood Organizations* ([89 FR 15671](#)), amended 7 CFR Part 16 and directed agencies to provide policy guidance or reference materials on a number of program-specific topics.

#### **Beneficiary Protections: Written Notice**

In accordance with 7 CFR Part 16.4(c)(1), all organizations that receive USDA Foods or administrative funds for CSFP and TEFAP must provide a written notice to all beneficiaries and prospective beneficiaries of certain protections in a manner and form prescribed by this policy memorandum. The written notice must include all information in Attachment A, including the following assurances:

- (i) The organization may not discriminate against beneficiaries or prospective beneficiaries on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice;
  
- (ii) The organization may not require beneficiaries or prospective beneficiaries to attend or participate in any explicitly religious activities that are offered by the organization, and any participation by beneficiaries or prospective beneficiaries in such activities must be purely voluntary;

(iii) The organization must separate in time or location any privately funded explicitly religious activities from activities supported by direct Federal financial assistance;

(iv) Beneficiaries or prospective beneficiaries may report violations of these protections (including denials of services or benefits) by an organization by contacting or filing a written complaint with USDA's Office of the Assistant Secretary for Civil Rights.

Organizations, inclusive of all recipient agencies and local agencies certifying potential beneficiaries and providing CSFP and TEFAP benefits to participants, must provide the written notice, per the program specific requirements described below, to applicants prior to the time they enroll in the program or receive services from such programs.

### CSFP

To notify future and prospective beneficiaries, organizations must supply individual written notice of beneficiary protections under 7 CFR Part 16 at the time of application for CSFP benefits. Organizations operating CSFP can comply with this requirement by providing CSFP applicants with a separate handout at the time of application or by incorporating the required notification language provided in Appendix C to Part 16 and as an attachment to this memorandum into their existing CSFP applications or other materials that are provided to beneficiaries before the receipt of services. Program operators must begin providing the written notice to all future and prospective beneficiaries as soon as possible.

To notify beneficiaries already enrolled in the program, a written notice must be provided directly to all beneficiaries at food distribution locations or alongside a food package delivery. Existing beneficiaries should all be notified as soon as possible.

A sample form with the required notification language is attached to this memorandum as Attachment A.

### TEFAP

To notify current and future or prospective beneficiaries, organizations providing TEFAP services must supply written notice of beneficiary protections under 7 CFR Part 16 by choosing one or more of these three methods:

1. Post a written notice at service locations. The posted written notice must be visible to all TEFAP beneficiaries and prospective beneficiaries upon entrance into the distribution site;
2. Provide flyers or handouts at each distribution; and/or
3. Add the written notification to their TEFAP intake form.

Each organization must select a method that will result in all TEFAP beneficiaries and prospective beneficiaries being notified. The chosen method(s) for notifying beneficiaries and

prospective beneficiaries must be fully implemented as soon as possible. Sample implementation language is included as an attachment to this memorandum in Attachment A.

### **Beneficiary Protections: Referral Requirements**

For both CSFP and TEFAP, the written notice described above must also inform beneficiaries and prospective beneficiaries about how to obtain information from either FNS or the State agency about other federally funded service providers in their area.

Each State agency may determine whether to provide State agency contact information and/or the USDA National Hunger Hotline information. **State agencies must determine what method of referral they will require organizations in their State to provide and inform all applicable organizations of the State-specific referral information.** Sample referral language is included as an attachment to this memorandum in Attachment A. State agencies may insert the appropriate contact information into the sample language provided or provide referral contact information to their program partners separately.

Organizations providing CSFP and TEFAP services must implement the referral requirement by including the State-provided referral information in their written notice.

### **Implementation Deadline**

All organizations participating in CSFP and TEFAP must begin providing beneficiaries with the written notice required by these amended regulations no later than **July 2, 2024**. All organizations must have a process in place to ensure all prospective beneficiaries are notified and must complete notification to all existing beneficiaries as soon as possible.

### **Monitoring**

In accordance with USDA regulations at 7 CFR Part 16.6, FNS will monitor compliance with these new provisions as a part of regular oversight of USDA programs. State agencies must continue to follow existing regulatory requirements and program mechanisms regarding monitoring and enforcement of these requirements, including coverage of the written notice and referral requirements provided in this memorandum. Per current practice, FNS will use Management Evaluations to monitor compliance with this, and all, statutory and regulatory provisions in CSFP and TEFAP.

*/s/ Original Signature on File*

Sara Olson

Director

Policy Division

Supplemental Nutrition and Safety Programs

# Attachment A: Sample Written Notice of Beneficiary Rights for CSFP and TEFAP

## [Name of Program] Written Notice of Beneficiary Rights

### Name of Organization:

Because [name of program] is supported in whole or in part by financial assistance from the Federal Government, we are required to let you know that:

1. We may not discriminate against you on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice;
2. We may not require you to attend or participate in any explicitly religious activities (including activities that involve overt religious content such as worship, religious instruction, or proselytization) that are offered by our organization, and any participation by you in such activities must be purely voluntary;
3. We must separate in time or location any privately funded explicitly religious activities (including activities that involve overt religious content such as worship, religious instruction, or proselytization) from activities supported with direct Federal financial assistance; and
4. You may report violations of these protections, including any denials of services or benefits by an organization, by contacting or filing a written complaint with the

U.S. Department of Agriculture

Office of the Assistant Secretary for Civil Rights Executive Director

Center for Civil Rights Enforcement

1400 Independence Avenue SW

Washington, DC 20250–9410, or by email to [program.intake@usda.gov](mailto:program.intake@usda.gov)

5. If you would like to seek information about whether there are any other federally funded organizations that provide these kinds of services in your area, please contact [State Agency and/or USDA Hunger Hotline]:

### State Agency Contact Information:

AND/OR

### The USDA Hunger Hotline:

- **By Phone:** 1-866-3-HUNGRY or 1-877-8-HAMBRE to speak with a representative from 7:00 AM – 10:00 PM Eastern Time.

- **By Text: 914-342-7744** with a question that may contain a keyword such as “food,” “summer,” “meals,” etc. to receive an automated response to resources located near an address and/or zip code.

This written notice must be given to you before you enroll in the program or receive services from the program, unless the nature of the service provided or exigent circumstances make it impracticable to provide such notice before we provide the actual service. In such an instance, this notice must be given to you at the earliest available opportunity.