

## Food and Nutrition Service, USDA

## § 247.2

sec. 209, Pub.L. 98-8, 97 Stat. 35 (7 U.S.C. 612c note); sec. 2(8), Pub.L. 98-92, 97 Stat. 611 (7 U.S.C. 612c note); sec. 1562, Pub.L. 99-198, 99 Stat. 1590 (7 U.S.C. 612c note); sec. 101(k), Pub.L. 100-202; sec. 1771(a), Pub.L. 101-624, 101 Stat. 3806 (7 U.S.C. 612c note); sec. 402(a), Pub.L. 104-127, 110 Stat. 1028 (7 U.S.C. 612c note).

SOURCE: 46 FR 6341, Jan. 21, 1981, unless otherwise noted.

### § 247.1 General purpose and scope.

This part specifies the policies and prescribes the regulations for the Commodity Supplemental Food Program (CSFP) under which women, infants and children in low-income groups, vulnerable to malnutrition, may obtain supplemental nutritious foods donated by the U.S. Department of Agriculture. The purpose of the Program is to provide supplemental foods and nutrition education to eligible persons through State or local agencies.

### § 247.2 Definitions.

For the purpose of this part and of all contracts, guidelines, instructions, forms, and other related documents, the term:

*Administrative costs* means those direct and indirect costs, identified under FMC 74-4, which State and local agencies determine to be necessary to support Program operations. Such costs are further addressed in § 247.11.

*A-90* means Office of Management and Budget Circular A-90 which provides guidance for the coordinated development and operation of information systems.

*A-102* means Office of Management and Budget Circular A-102 which sets forth uniform administrative requirements for grants-in-aid to State and local governments and federally recognized Indian tribal governments.

*A-110* means Office of Management and Budget Circular A-110 which sets forth uniform administrative requirements for grants to, and other agreements with, institutions of higher education, hospitals, and other quasi-public and private non-profit organizations.

*Breastfeeding women* means women up to one year postpartum who are breastfeeding their infants.

*Caseload* means the monthly average number of persons a State agency is

authorized by FNS to serve over a specified period of time.

*Caseload cycle* means the period beginning with the later of (1) each December 1 or (2) a date not to exceed 30 days after enactment of appropriations legislation for the full fiscal year, and ending each November 30.

*Categorical ineligibility* means persons who do not meet the definition of pregnant women, breastfeeding women, postpartum women, infants, children, or elderly persons.

*Certification* means the use of criteria and procedures to assess and document each applicant's eligibility for the Program.

*Children* means persons who are at least one year of age but have not reached their sixth birthday.

*Department* means the U.S. Department of Agriculture.

*Distributing agency* means an agency which has entered into an agreement with a State agency and with the Department for the distribution of commodities under 7 CFR part 250, subchapter B—Food Distribution Regulations.

*Dual participation* means simultaneous participation by an individual in the CSFP in more than one local agency or clinic, or simultaneous participation in the CSFP and in the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) 7 CFR part 246.

*Elderly persons* means persons 60 years of age or older.

*Fiscal year* means the Federal fiscal year covering the period of 12 calendar months beginning October 1 of any calendar year and ending September 30 of the following year.

*FMC 74-4* means Federal Management Circular 74-4, which sets forth principles for determining costs applicable to grants and contracts with State and local governments.

*FNS* means the Food and Nutrition Service of the U.S. Department of Agriculture.

*Homebound elderly persons* means persons who are, in the judgment of the local agency, unable to obtain monthly food packages without assistance provided by or through the local agency.

*Infants* means persons under one year of age.

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*Local agency* means a public or private nonprofit agency which enters into an agreement with the State agency to administer the Program at the local level. A local agency determines the eligibility of applicants, distributes supplemental foods and provides nutrition education to low-income persons, either directly or through another agency with which it has entered into a written agreement in accordance with § 247.6. In addition, existing local agencies are required to maintain the health-ties at the same level that were effective prior to March 3, 1978. All other local agencies are encouraged to develop health services linkages and, at a minimum, are required to advise participants of the importance of health care and where low-income persons can obtain such services. The term local agency includes an IHS service unit, an Indian tribe, band or group recognized by the Department of the Interior, or an intertribal council or group that is an authorized representative of Indian tribes, bands or groups recognized by the Department of the Interior.

*Nonprofit agency* means a private agency which is exempt from income tax under the Internal Revenue Code of 1954, as amended.

*Participants* means pregnant women, breastfeeding women, postpartum women, infants, children and elderly persons who are receiving supplemental foods under the Program.

*Participation* means the number of persons who have received supplemental foods through the Program in the reporting period.

*Postpartum women* means women up to 12 months after termination of pregnancy.

*Pregnant women* means women determined to have one or more embryos or fetuses in utero.

*Program* means the Commodity Supplemental Food Program (CSFP) of the Food and Nutrition Service of the U.S. Department of Agriculture.

*Secretary* means the Secretary of the U.S. Department of Agriculture.

*SFPD* means the Supplemental Food Programs Division of the Food and Nutrition Service of the U.S. Department of Agriculture.

*State* means any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands and the Northern Mariana Islands.

*State agency* means the agency of a State designated by the State to administer the Program; or an Indian tribe, band or group recognized by the Department of the Interior; or an Intertribal council or group recognized by the Department of the Interior and which has an ongoing relationship with Indian tribes, bands or groups for other purposes and has contracted with them to administer the Program; or the appropriate area office of the Indian Health Service of the Department of Health and Human Services.

*State Agency Plan of Program Operation and Administration (State Plan)* means the document which, as required by § 247.5 describes the manner in which the State agency intends to implement and operate all aspects of Program administration within its jurisdiction.

*Supplemental foods* means foods donated by the Department for use by eligible persons in low-income groups who are vulnerable to malnutrition.

*WIC Program* means the Special Supplemental Nutrition Program for Women, Infants and Children (7 CFR part 246).

[46 FR 6341, Jan. 21, 1981, as amended at 48 FR 29124, June 24, 1983; 51 FR 32900, Sept. 17, 1986; 53 FR 4838, Feb. 18, 1988]

#### § 247.3 Administration.

(a) *Delegation of Authority to FNS.* Within the Department, FNS shall act on behalf of the Department in the administration of the Program. Within FNS, SFPD and the Regional Offices are responsible for Program administration. FNS will provide assistance to State and local agencies and evaluate all levels of Program operations to assure that the goals of the Program are achieved in the most effective and efficient manner possible.

(b) *Delegation of authority to State agency.* The State agency is responsible for all operations under the Program within its jurisdiction and shall administer the Program in accordance with the requirements of this part, FMC 74-4, A-90, A-95, A-102, A-110, and 7 CFR