United States Department of Agriculture

Food and Nutrition Service

3101 Park Center Drive
Alexandria, VA
22302-1500

DATE: **February 18, 2011**

MEMO CODE: SP 20-2011, CACFP 10-2011, SFSP 07-2011

SUBJECT: Child Nutrition and WIC Reauthorization 2010: Section 361, Full Use of Federal Funds

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All Regions

The Healthy, Hunger-Free Kids Act of 2010 (the Act), Public Law 111-296, was enacted by the President on December 13, 2010. The purpose of this memorandum is to provide guidance on the implementation of Section 361 of the Act, *Full Use of Federal Funds*, in the Child Nutrition Programs (CNP).

Section 361 of the Act amends Section 12(b) of the Richard B. Russell National School Lunch Act (NSLA), 42 USC 1760(b), by providing expectations for the use of Federal funds supporting the administration of programs authorized under the NSLA or the Child Nutrition Act of 1966. Specifically, Federal funds provided to State agencies for the administration of the CNP must not be subject to State budget restrictions or limitations including hiring freezes, work furloughs, and travel restrictions.

As amended by the Act, Section 12(b) of the NSLA requires that the Federal/State Agreement include a provision that supports full use of Federal funds and excludes such funds from State budget restrictions. Section 361 of the Act became effective on October 1, 2010. As a result, all Federal/State Agreements between the Food and Nutrition Service (FNS) and CNP State agencies must be amended to reflect the addition.

Since Federal/State Agreements are permanent agreements for CNP, each State agency administering the CNP must sign the Addendum attached to this memorandum and return it to FNS no later than March 31, 2011.

State agencies should direct questions related to this provision to their respective FNS Regional Offices.

Original Signed

for Cynthia Long
Director
Child Nutrition Division

Attachment

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The contents of this guidance document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

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ADDENDUM

FEDERAL/STATE CHILD NUTRITION PROGRAM AGREEMENT

Instruction: The following statement must be signed by a duly authorized representative of the State agency administering the Child Nutrition Programs, and returned to the appropriate FNS Regional Office no later than March 31, 2011. This Addendum will become part of the Federal/State agreement.

USDA/Food and Nutrition Service (FNS) and the State Agency administering the Child Nutrition Programs in the State of _____ agree to abide by the requirements set forth in Section 12(b) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(b), as amended by Section 361 of the Healthy, Hunger-Free Kids Act of 2010 (Public Law 111-296) to support full use of Federal funds provided to the State Agency for the administration of the Child Nutrition Programs, and exclude such funds from State budget restrictions or limitations including, at a minimum, hiring freezes, work furloughs, and travel restrictions affecting the Child Nutrition Programs.

STATE AGENCY	**U.S. DEPARTMENT OF AGRICULTURE**
BY *(Signature)*	BY *(Signature)*
_____	_____
TITLE	TITLE
_____	_____
DATE	DATE

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