



United States  
Department of  
Agriculture

Food and  
Nutrition  
Service

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Alexandria, VA  
22302-1500

February 18, 2011

**SUBJECT:** FMNP Final Policy Memorandum #2011-01  
Child Nutrition and WIC Reauthorization 2010: Section 361  
Full Use of Federal Funds

**TO:** Regional Directors  
Supplemental Food Programs  
All Regions  
FMNP State Agency Directors  
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 WIC Farmers' Market Nutrition Program (FMNP).

Section 361 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 FMNP 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 (form FNS-339 for the FMNP) include a provision that supports full use of Federal funds and excludes such funds from State budget restrictions. Section 361 became effective on October 1, 2010. As a result, all Federal/State Agreements between the Food and Nutrition Service (FNS) and FMNP State agencies must be amended for fiscal year (FY) 2011 to reflect the addition.

FNS has begun the process of revising the FNS-339 to include the necessary statement. We hope to have the revised FNS-339 available for FY 2012. In the meantime, each FMNP State agency 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.

DEBRA R. WHITFORD  
Director  
Supplemental Food Programs Division

Attachment

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.

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

**ADDENDUM**

**FEDERAL-STATE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM For  
WOMEN, INFANTS AND CHILDREN (WIC) AGREEMENT (FNS-339)**

**Instruction: The following statement must be signed by the Chief State Official or his/her Designee on behalf of the WIC Farmers' Market Nutrition Program (FMNP) State Agency, and returned to the appropriate FNS Regional Office no later than March 31, 2011. This Addendum will become part of the current FNS-339 for fiscal year 2011.**

USDA/Food and Nutrition Service (FNS) and the FMNP State Agency 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 WIC Farmers' Market Nutrition Program (FMNP), and exclude such funds from State budget restrictions or limitations including, at a minimum, hiring freezes, work furloughs, and travel restrictions affecting the FMNP.

**STATE AGENCY**

**U.S. DEPARTMENT OF  
AGRICULTURE**

BY (*Signature*)

BY (*Signature*)

\_\_\_\_\_  
TITLE

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