

GREGORIO KILILI CAMACHO SABLAN  
NORTHERN MARIANA ISLANDS

COMMITTEE ON NATURAL RESOURCES  
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WILDLIFE, OCEANS AND INSULAR AFFAIRS  
SUBCOMMITTEE ON ENERGY AND MINERAL RESOURCES

COMMITTEE ON AGRICULTURE  
SUBCOMMITTEE ON CONSERVATION, ENERGY, AND FORESTRY  
SUBCOMMITTEE ON NUTRITION AND HORTICULTURE

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

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March 15, 2012

The Honorable Benigno R. Fitial  
Governor  
Commonwealth of the Northern Mariana Islands  
Caller Box 10007  
Saipan, MP 96950

Dear Governor Fitial:

I am writing on behalf of all employees of the Commonwealth, whose positions are federally funded and whose hours of work have been reduced under austerity measures instituted by you. In particular, I want to call your attention to the situation of federally funded employees of the Women, Infants, and Children (WIC) program.

Pursuant to Section 361 of the Healthy, Hunger-Free Kids Act of 2010, P.L. 111-296, federal funds provided to state agencies for the administration of the WIC program may not be subject to state budget restrictions or limitations, including work furloughs. Section 361, Full Use of Federal Funds, was a provision both of S. 3307, which became P.L. 111-296, and of H.R. 5504, the companion measure in the House of Representatives, of which I was an original co-sponsor. So I fully support the policy that the benefits of federally funded programs should not be reduced due to local fiscal problems.

In tough economic times, especially, this policy makes good sense. First, it assures that those who depend on federally funded programs to sustain their life and health do not lose these services, even temporarily. Second, it assures that those who administer these programs do not look for other employment and that the Commonwealth does not lose the skills and experience of these professionals as a result. Finally, it benefits the Northern Marianas economy by preserving the income of these federally funded employees, who otherwise would reduce their personal spending at a time when the Commonwealth needs to maintain consumption levels.

With specific reference to the employees responsible for the administration of WIC I am attaching the fiscal year 2012 FNS-339 between the Commonwealth and the U.S. Department of Agriculture, in which Secretary of Public Health Villagomez agreed to abide by the Section 361 requirement, and the addendum to the fiscal year 2011 agreement, also signed by Secretary Villagomez, to abide by the same grant restrictions.

Honorable Benigno R. Fitial  
March 15, 2012  
Page 2

I urge you to adhere to these and all terms and conditions for receiving federal funds.

Sincerely,



GREGORIO KILILI CAMACHO SABLAN  
Member of Congress

enclosures: as noted

cc:

Honorable Eloy S. Inos, Lt. Governor, Commonwealth of the Northern Mariana Islands  
Honorable Paul A. Manglona, President, The Senate, 17<sup>th</sup> CNMI Legislature  
Honorable Eliceo D. Cabrera, Speaker, House of Representatives, 17<sup>th</sup> CNMI Legislature  
Juan N. Babauta, Chief Executive Officer, Commonwealth Health Corporation  
Carmen Cabrera, Program Administrator, CNMI Woman Infant and Children Program

U.S. DEPARTMENT OF AGRICULTURE  
FOOD AND NUTRITION SERVICE

**FEDERAL-STATE  
SUPPLEMENTAL  
NUTRITION PROGRAMS AGREEMENT**

For FNS Use Only  
Agreement Number

Public reporting burden for this collection of information is estimated to average .25 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. **An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.** Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: U.S. Department of Agriculture, Food and Nutrition Services, Office of Research and Analysis, Room 1014, Alexandria, VA 22302 ATTN: PRA (0584-0332). Do not return the completed form to this address.

1 NAME OF STATE AGENCY Commonwealth of the Northern Mariana Islands (CNMI) Women, Infants and Children (WIC) Program	2. STATE  CNMI	4. PROGRAM(S) ADMINISTERED  <input checked="" type="checkbox"/> WIC <input type="checkbox"/> WIC FARMERS' MARKET NUTRITION PROGRAM <input type="checkbox"/> SENIOR FARMERS' MARKET NUTRITION PROGRAM
	3 EFFECTIVE DATE  10/01/11 - 09/30/12	
	5. UNIVERSAL IDENTIFIER NUMBER(S)  854855277	

No monies or other benefits may be paid out under this program unless this Agreement is completed and filed as required by existing regulations (7 CFR Parts 246, 248, and 249)

in order to effectuate the purpose of Section 17 of the Child Nutrition Act of 1996, as amended (42 U.S.C. 1786), and Section 4402 of the Farm Security and Rural Investment Act of 2002 as amended (7 U.S.C. 3007), the United States Department of Agriculture, hereinafter referred to as the "Department," and the State Agency (item 1 above) agree as follows:

The Department agrees to make funds available to the State Agency for the administration within the State (item 2 above) of the Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program), the WIC Farmers' Market Nutrition Program (FMNP), and/or the Senior Farmers' Market Nutrition Program (SFMNP) in accordance with applicable regulations (7 CFR Parts 246, 248, and 249) and any amendments thereto.

The State Agency agrees to accept Federal funds for expenditure in accordance with the applicable statutes and regulations, and any amendment thereto, and to comply with all the provisions of such statutes and regulations, and amendments thereto.

The State Agency further agrees to support full use of Federal funds provided to the State Agency for the administration of the WIC Program and/or the FMNP, and exclude such funds from State budget restrictions or limitations including, at a minimum, hiring freezes, work furloughs, and travel restrictions affecting the WIC Program or the FMNP.

Copies of the current regulations are attached hereto and made a part hereof. In the event of a proposed amendment of the regulations, if the State Agency gives to the Department, prior to the effective date of the amendment, written notice of its determination to discontinue the program or program activities for which administrative expenses are available, this Agreement shall be terminated as of the effective date of the amendment.

This Agreement shall be effective commencing on the date specified (item 3 above) and ending one year

thereafter, unless terminated earlier as provided herein. The Department may renew this Agreement each year thereafter, by notice in writing given to the State Agency as soon as practicable after funds have been appropriated by Congress for carrying out the WIC Program, the WIC Farmers' Market Nutrition Program, and/or the Senior Farmers' Market Nutrition Program during each such year. In any event, however, either party hereto may terminate this Agreement, by giving at least thirty days written notice.

Upon termination or expiration of this Agreement, as provided herein, the State Agency shall make no further disbursement of funds paid to the State Agency in accordance with this Agreement except to meet State expenses incurred on or prior to the termination or expiration date, notwithstanding any termination or expiration of this Agreement, and the State Agency shall promptly return all remaining funds made available to it by the Department. The obligations of the State Agency under the above cited regulations shall continue until the requirements hereof have been fully performed.

### **Assurance of Civil Rights Compliance**

The State Agency hereby agrees that it will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), Age Discrimination Act of 1975 (42 U.S.C. 610 et seq.); all provisions required by the implementing regulations of the Department of Agriculture; Department of Justice Enforcement Guidelines; and FNS directives and guidelines to the effect that no person shall, on the ground of race, color, national origin, age, sex, or handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under

any program or activity for which the Agency receives Federal financial assistance from FNS; and hereby gives assurance that it will immediately take measures necessary to effectuate this agreement.

By providing this assurance, the State Agency agrees to compile data, maintain records and submit reports as required to permit effective enforcement of the nondiscrimination laws, and to permit Department personnel during normal working hours to review such records, books and accounts as needed to ascertain compliance with the non-discrimination laws. If there are any violations of this assurance, the Department of Agriculture shall have the right to seek judicial enforcement of this assurance.

This assurance is given in consideration of and for the purpose of obtaining any and all Federal financial assistance, grants and loans of Federal funds, reimbursable expenditures, grant or donation of Federal property and interest in property, the detail of Federal personnel, reimbursable expenditures, grant or donation of Federal property and interest in such property or the furnishing of services without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale, lease, or furnishing of services to the recipient, or any improvements made with Federal financial assistance extended to the State Agency by the Department. This includes any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance such as food, cash assistance extended in reliance on the representations and agreements made in this assurance.

This assurance is binding on the State Agency, its successors, transferees, and assignees as long as it receives assistance or retains possession of any assistance from the Department. The person or persons whose signatures appear below are authorized to sign this assurance on the behalf of the State Agency.

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## Equal Employment Opportunity Clause

During the performance of this Agreement insofar as it relates to State administrative expenses, the State Agency agrees that:

(1) the State Agency will not discriminate against any employee or applicant for employment because of race, color, religion, sex, age, handicap, or national origin. The State Agency will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, age, handicap, or national origin.

Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The State Agency agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Department setting forth the provisions of this nondiscrimination clause.

(2) The State Agency will, in all solicitations or advertisements for employees placed by or on behalf of the State Agency, state that all qualified applications will receive consideration for employment without regard to race, color, religion, sex, age, handicap, or national origin.

(3) The State Agency will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Department, advising the labor union or workers' representative of the

State Agency's commitments under Section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The State Agency will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The State Agency will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records and accounts by the Department and the Secretary of Labor for purposes of investigation to ascertain compliance with the nondiscrimination clauses of this Agreement or with any such rules, regulations, and orders.

(6) In the event of the State Agency's noncompliance with such rules, regulations, or orders, this Agreement as it relates to State administrative expenses may be cancelled, terminated or suspended in whole or in part and the State Agency may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rules, regulations, or orders of the Secretary of Labor, or as otherwise provided by law.

(7) The State Agency will include the provisions of items (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The State Agency will take such action with respect to any sub-contract or purchase order as the Department may direct as a means of enforcing such provisions, including sanctions, for noncompliance provided, however, that in the event the State Agency becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the Department. The State Agency may request the United States to enter into such litigation to protect the interests of the United States.

Under applicable regulations the Equal Employment Opportunity clause is not applicable to any Agency of the State which does not participate in, work on or under this Agreement insofar as it relates to State administrative expenses.

## Assurance of Drug-Free Workplace

The State agency agrees to maintain a drug-free workplace in compliance with the Drug-Free Workplace Act of 1988, Public Law 100-690, Title V, Subtitle D, and 7 CFR part 3021.

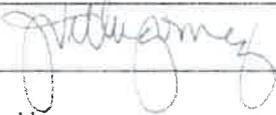
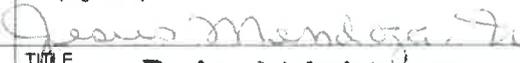
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**MEMBER DELEGATE CLAUSE**

No Member or Delegate to Congress, or Resident Commissioner shall be admitted to any share or part of this Agreement or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this Agreement if made with a corporation for its general benefit.

**CERTIFICATION REGARDING LOBBYING**

The State agency, if applicable, has executed and attached to the agreement the required certification regarding lobbying and if applicable the Standard Form-LLL, "Disclosure of Lobbying Activities."

<b>STATE AGENCY</b>	<b>U.S. DEPARTMENT OF AGRICULTURE</b>
BY (Signature) 	BY (Signature) 
TITLE Secretary of Public Health	TITLE for: <b>Regional Administrator</b>
DATE 8-8-11	DATE <b>27 SEP 2011</b>

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**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 Health Officer or his/her Designee on behalf of the WIC 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 WIC State Agency in the State of CNMI 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 Special Supplemental Nutrition Program for Women, Infants and Children (WIC), and exclude such funds from State budget restrictions or limitations including, at a minimum, hiring freezes, work furloughs, and travel restrictions affecting the WIC Program.

**STATE AGENCY**

BY *(Signature)*



Secretary of Public Health

TITLE

April 6, 2011

DATE

**U.S. DEPARTMENT OF AGRICULTURE**

BY *(Signature)*



TITLE

6/9/2011

DATE

Public Law 111–296  
111th Congress

An Act

To reauthorize child nutrition programs, and for other purposes.

Dec. 13, 2010

[S. 3307]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Healthy, Hunger-Free Kids Act of 2010.

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

42 USC 1751 note.

(a) **SHORT TITLE.**—This Act may be cited as the “Healthy, Hunger-Free Kids Act of 2010”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.  
Sec. 2. Definition of Secretary.

**TITLE I—A PATH TO END CHILDHOOD HUNGER**

**Subtitle A—National School Lunch Program**

- Sec. 101. Improving direct certification.  
Sec. 102. Categorical eligibility of foster children.  
Sec. 103. Direct certification for children receiving Medicaid benefits.  
Sec. 104. Eliminating individual applications through community eligibility.  
Sec. 105. Grants for expansion of school breakfast programs.

**Subtitle B—Summer Food Service Program**

- Sec. 111. Alignment of eligibility rules for public and private sponsors.  
Sec. 112. Outreach to eligible families.  
Sec. 113. Summer food service support grants.

**Subtitle C—Child and Adult Care Food Program**

- Sec. 121. Simplifying area eligibility determinations in the child and adult care food program.  
Sec. 122. Expansion of afterschool meals for at-risk children.

**Subtitle D—Special Supplemental Nutrition Program for Women, Infants, and Children**

- Sec. 131. Certification periods.

**Subtitle E—Miscellaneous**

- Sec. 141. Childhood hunger research.  
Sec. 142. State childhood hunger challenge grants.  
Sec. 143. Review of local policies on meal charges and provision of alternate meals.

**TITLE II—REDUCING CHILDHOOD OBESITY AND IMPROVING THE DIETS OF CHILDREN**

**Subtitle A—National School Lunch Program**

- Sec. 201. Performance-based reimbursement rate increases for new meal patterns.  
Sec. 202. Nutrition requirements for fluid milk.  
Sec. 203. Water.  
Sec. 204. Local school wellness policy implementation.  
Sec. 205. Equity in school lunch pricing.  
Sec. 206. Revenue from nonprogram foods sold in schools.

- Sec. 207. Reporting and notification of school performance.
- Sec. 208. Nutrition standards for all foods sold in school.
- Sec. 209. Information for the public on the school nutrition environment.
- Sec. 210. Organic food pilot program.

#### Subtitle B—Child and Adult Care Food Program

- Sec. 221. Nutrition and wellness goals for meals served through the child and adult care food program.
- Sec. 222. Interagency coordination to promote health and wellness in child care licensing.
- Sec. 223. Study on nutrition and wellness quality of child care settings.

#### Subtitle C—Special Supplemental Nutrition Program for Women, Infants, and Children

- Sec. 231. Support for breastfeeding in the WIC Program.
- Sec. 232. Review of available supplemental foods.

#### Subtitle D—Miscellaneous

- Sec. 241. Nutrition education and obesity prevention grant program.
- Sec. 242. Procurement and processing of food service products and commodities.
- Sec. 243. Access to Local Foods: Farm to School Program.
- Sec. 244. Research on strategies to promote the selection and consumption of healthy foods.

### TITLE III—IMPROVING THE MANAGEMENT AND INTEGRITY OF CHILD NUTRITION PROGRAMS

#### Subtitle A—National School Lunch Program

- Sec. 301. Privacy protection.
- Sec. 302. Applicability of food safety program on entire school campus.
- Sec. 303. Fines for violating program requirements.
- Sec. 304. Independent review of applications.
- Sec. 305. Program evaluation.
- Sec. 306. Professional standards for school food service.
- Sec. 307. Indirect costs.
- Sec. 308. Ensuring safety of school meals.

#### Subtitle B—Summer Food Service Program

- Sec. 321. Summer food service program permanent operating agreements.
- Sec. 322. Summer food service program disqualification.

#### Subtitle C—Child and Adult Care Food Program

- Sec. 331. Renewal of application materials and permanent operating agreements.
- Sec. 332. State liability for payments to aggrieved child care institutions.
- Sec. 333. Transmission of income information by sponsored family or group day care homes.
- Sec. 334. Simplifying and enhancing administrative payments to sponsoring organizations.
- Sec. 335. Child and adult care food program audit funding.
- Sec. 336. Reducing paperwork and improving program administration.
- Sec. 337. Study relating to the child and adult care food program.

#### Subtitle D—Special Supplemental Nutrition Program for Women, Infants, and Children

- Sec. 351. Sharing of materials with other programs.
- Sec. 352. WIC program management.

#### Subtitle E—Miscellaneous

- Sec. 361. Full use of Federal funds.
- Sec. 362. Disqualified schools, institutions, and individuals.

### TITLE IV—MISCELLANEOUS

#### Subtitle A—Reauthorization of Expiring Provisions

#### PART I—RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT

- Sec. 401. Commodity support.
- Sec. 402. Food safety audits and reports by States.
- Sec. 403. Procurement training.

(f) **TEMPORARY SPENDING AUTHORITY.**—Section 17(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(i)) is amended by adding at the end the following:

“(8) **TEMPORARY SPENDING AUTHORITY.**—During each of fiscal years 2012 and 2013, the Secretary may authorize a State agency to expend more than the amount otherwise authorized under paragraph (3)(C) for expenses incurred under this section for supplemental foods during the preceding fiscal year, if the Secretary determines that—

“(A) there has been a significant reduction in reported infant formula cost containment savings for the preceding fiscal year due to the implementation of subsection (h)(8)(K); and

“(B) the reduction would affect the ability of the State agency to serve all eligible participants.”.

## **Subtitle E—Miscellaneous**

### **SEC. 361. FULL USE OF FEDERAL FUNDS.**

Section 12 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760) is amended by striking subsection (b) and inserting the following:

“(b) **AGREEMENTS.**—

“(1) **IN GENERAL.**—The Secretary shall incorporate, in the agreement of the Secretary with the State agencies administering programs authorized under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), the express requirements with respect to the operation of the programs to the extent applicable and such other provisions as in the opinion of the Secretary are reasonably necessary or appropriate to effectuate the purposes of this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

“(2) **EXPECTATIONS FOR USE OF FUNDS.**—Agreements described in paragraph (1) shall include a provision that—

“(A) supports full use of Federal funds provided to State agencies for the administration of programs authorized under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); and

“(B) excludes the Federal funds from State budget restrictions or limitations including, at a minimum—

“(i) hiring freezes;

“(ii) work furloughs; and

“(iii) travel restrictions.”.

### **SEC. 362. DISQUALIFIED SCHOOLS, INSTITUTIONS, AND INDIVIDUALS.**

Section 12 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760) (as amended by section 206) is amended by adding at the end the following:

“(r) **DISQUALIFIED SCHOOLS, INSTITUTIONS, AND INDIVIDUALS.**—Any school, institution, service institution, facility, or individual that has been terminated from any program authorized under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) and is on a list of disqualified institutions and individuals under section 13 or section 17(d)(5)(E) of this Act may not be approved to participate in or administer any program authorized under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).”.