DATE: March 3, 2026

MEMO CODE: CRD 01-2026

TO: Regional Directors
All Food and Nutrition Service Programs
All Regions

State Directors
All Food and Nutrition Service Programs
All Regions

SUBJECT: Modifying the FNS Instruction 113-1: *Civil Rights Compliance and Enforcement – Nutrition Programs and Activities*

This memorandum seeks to ensure that current Food and Nutrition Service (FNS) guidance pertaining to federal civil rights and nondiscrimination obligations remains aligned with applicable laws, regulations, executive orders and directives relevant to the Agency's 16 nutrition assistance programs. In that vein, FNS is modifying the FNS Instruction 113-1: *Civil Rights Compliance and Enforcement – Nutrition Programs and Activities*, and developing a new guidance tool which will be used to provide assistance and direction to FNS employees and recipients of federal financial assistance in accordance with applicable laws and regulations. Amended guidance will be released when finalized.

In the interim, civil rights and nondiscrimination laws and regulations remain in effect, along with related compliance and enforcement requirements. FNS Program offices and State agencies are advised to immediately discontinue citing FNS Instruction 113-1 when there are noncompliance issues or concerns resulting from management evaluations (MEs), compliance reviews or any similar monitoring and oversight activities, and to discontinue utilizing FNS Instruction 113-1 for technical guidance.

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.

Rather, pertinent civil rights and nondiscrimination laws[1] and regulations[2] should be cited and utilized instead.

FNS Program offices and State agencies are reminded to distribute this memorandum to their staff, local agencies and other program providers. In the interim while release of amended guidance is pending, FNS Program offices and State agencies should direct all questions regarding civil rights and nondiscrimination obligations to CRD at SM.FN.CR-Compliance@usda.gov. Local agencies and other program providers should direct all questions regarding civil rights and nondiscrimination obligations to their respective State agency.

Roberto Contreras
Director
Civil Rights Division
Food and Nutrition Service
U.S. Department of Agriculture

ROBERTO CONTRERAS Digitally signed by ROBERTO CONTRERAS

cc: FNS Administrator
Assistant Secretary for Civil Rights
FNS Associate Administrators
FNS Regional Administrators
FNS Regional Civil Rights Officers
OASCR Acting Deputy Assistant Secretary for Civil Rights
OASCR Chief of Staff

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[1] Laws may include, but are not limited to: Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act (ADA) of 1990, ADA Amendments Act of 2008, Age Discrimination Act of 1975, Civil Rights Restoration Act of 1987.

[2] Regulations may include, but are not limited to: 7 CFR 15, 7 CFR 16, 28 CFR 35, 28 CFR 36, 28 CFR 42, USDA Departmental Regulations, FNS Program Regulations.