



Food and
Nutrition
Service

December 9, 2020

1320
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Alexandria,
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22314

SUBJECT: WIC Policy Memorandum: #2021-2
WIC Civil Monetary Penalty (CMP) Inflation Adjustment for 2020

TO: Regional Directors
Special Nutrition Programs

WIC State Agency Directors
All State Agencies

This policy memorandum transmits the Civil Monetary Penalty (CMP) inflation adjustment for 2020 for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). The adjustment was published in the Federal Register as part of the Debt Management Final Rule published on June 17, 2020, at 85 FR 36690.

As required by the Federal Civil Penalties Inflation Adjustment Improvements Act of 2015, this rule updates the maximum size of CMPs for certain violations in WIC to reflect inflationary adjustments for 2020. For each violation subject to a mandatory sanction, the CMP shall not exceed the maximum amount specified in 7 CFR 3.91(b)(3)(v). Further information on calculating CMPs and using these maximums can be found in federal WIC regulations at 7 CFR 246.12(l)(1)(x).

WIC State agencies must adhere to the new maximum CMP amounts and must update their policies and procedures in order to implement the updated maximum CMP amounts as soon as possible. Any WIC State agency with questions regarding this change should contact its respective FNS Regional Office.

SARAH WIDOR
Director
Supplemental Food Programs Division

Attachment: CMP 2018 vs. 2020 Comparison Chart

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Attachment 1: CMP 2018 vs. 2020 Comparison Chart

Citation	Violation	2018 Max per Violation	2020 Max per Violation
§3.91(b)(3)(iv)	Civil penalty for any entity that submits a bid to supply infant formula to carry out the Special Supplemental Nutrition Program for Women, Infants and Children and discloses the amount of the bid, rebate, or discount practices in advance of the bid opening or for any entity that makes a statement prior to the opening of bids for the purpose of influencing a bid, codified at 42 U.S.C. 1786(h)(8)(H)(i)	\$173,951,364	\$181,484,308
§3.91(b)(3)(v)	Civil penalty for a vendor convicted of trafficking in food instruments, codified at 42 U.S.C. 1786(o)(1)(A) and 42 U.S.C. 1786(o)(4)(B)	\$15,041 for each violation, maximum penalty for violations occurring during a single investigation is \$60,161	\$15,692 for each violation, maximum penalty for violations occurring during a single investigation is \$62,767
§3.91(b)(3)(vi)	Civil penalty for a vendor convicted of selling firearms, ammunition, explosive, or controlled substances in exchange for food instruments, codified at 42 U.S.C. 1786(o)(1)(B) and 42 U.S.C. 1786(o)(4)(B)	\$15,041 for each violation, maximum penalty for violations occurring during a single investigation is \$60,161	\$15,306 for each violation, maximum penalty for violations occurring during a single investigation is \$62,767