

119TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To amend the Richard B. Russell National School Lunch Act to improve the child and adult care food program, and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

Mr. BLUMENTHAL (for himself, Ms. SMITH, Mr. WELCH, Ms. HIRONO, Mr. SANDERS, and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

---

**A BILL**

To amend the Richard B. Russell National School Lunch Act to improve the child and adult care food program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Early Childhood Nutri-  
5 tion Improvement Act”.

6 **SEC. 2. ELIGIBILITY CERTIFICATION CRITERIA FOR PRO-**  
7 **PRIETARY CHILD CARE CENTERS.**

8 Section 17(a)(6) of the Richard B. Russell National  
9 School Lunch Act (42 U.S.C. 1766(a)(6)) is amended—

1           (1) in subparagraph (B), by inserting “(42  
2 U.S.C. 1771 et seq.)” after “1966”;

3           (2) by redesignating subparagraphs (A) and  
4 (B) as clauses (i) and (ii), respectively, and indent-  
5 ing the clauses appropriately;

6           (3) in subparagraph (C)—

7                 (A) in clause (ii), by striking “(ii) in the  
8 case of a sponsoring organization, the organiza-  
9 tion shall employ” and inserting the following:

10                         “(II) if the institution is a sponsoring  
11 organization, employs”; and

12                 (B) by striking “(C)(i) will provide” and  
13 inserting the following:

14                         “(iii)(I) will provide”;

15           (4) in subparagraph (D)—

16                 (A) by striking “one employee, the organi-  
17 zation” and inserting “1 employee,”; and

18                 (B) by striking “(D) in the case of” and  
19 inserting the following:

20                         “(iv) if the institution is”;

21           (5) in subparagraph (E), by striking “(E) in  
22 the case of a sponsoring organization, the organiza-  
23 tion” and inserting the following:

24                         “(v) if the institution is a sponsoring  
25 organization,”;

1 (6) in subparagraph (F)—

2 (A) by striking “the date of the enactment  
3 of this subparagraph” and inserting “June 20,  
4 2000,”;

5 (B) by striking “the institution is bonded”  
6 and inserting “is bonded”; and

7 (C) by striking “in the case of” and insert-  
8 ing the following:

9 “(vi) if the institution is”;

10 (7) in the matter preceding clause (i) (as redese-  
11 gnated by paragraph (2))—

12 (A) by striking “it satisfies the following  
13 criteria:” and inserting “the institution—”; and

14 (B) by striking “No institution shall be”  
15 and inserting the following:

16 “(A) IN GENERAL.—Subject to subpara-  
17 graph (B), an institution shall not be”; and

18 (8) by adding at the end the following:

19 “(B) ANNUAL DETERMINATION FOR CER-  
20 TAIN INSTITUTIONS.—The eligibility of an insti-  
21 tution described in paragraph (2)(B) shall be  
22 determined on an annual basis in accordance  
23 with this section.”.

1 **SEC. 3. REVIEW OF SERIOUS DEFICIENCY PROCESS.**

2 Section 17(d)(5) of the Richard B. Russell National  
3 School Lunch Act (42 U.S.C. 1766(d)(5)) is amended by  
4 adding at the end the following:

5 “(F) SERIOUS DEFICIENCY PROCESS.—

6 “(i) IN GENERAL.—Not later than 1  
7 year after the date of enactment of this  
8 subparagraph, the Secretary shall review  
9 and issue guidance and, as appropriate,  
10 regulations regarding the serious deficiency  
11 process for the program under this section.

12 “(ii) REVIEW.—In carrying out clause  
13 (i), the Secretary shall review, at a min-  
14 imum, the processes for, and the individ-  
15 uals involved in—

16 “(I) determining when there ex-  
17 ists a serious deficiency with respect  
18 to an institution or a family or group  
19 day care home, including—

20 “(aa) the measures that will  
21 automatically result in a finding  
22 of serious deficiency; and

23 “(bb) the means of differen-  
24 tiating between—

25 “(AA) a reasonable  
26 margin of human error and

1 systematic or intentional  
2 noncompliance; and

3 “(BB) State-specific re-  
4 quirements and Federal reg-  
5 ulations;

6 “(II) appealing and mediating a  
7 finding of serious deficiency with re-  
8 spect to an institution or a family or  
9 group day care home, including—

10 “(aa) findings relating to  
11 State-specific requirements; and

12 “(bb) processes for ensuring  
13 that the officials involved in ap-  
14 peals and mediation are fair and  
15 impartial;

16 “(III) determining the cir-  
17 cumstances under which a corrective  
18 action plan is acceptable;

19 “(IV) the termination and dis-  
20 qualification of institutions, family or  
21 group day care homes, and individuals  
22 under this paragraph, including main-  
23 tenance of the list under subpara-  
24 graph (E); and

1                   “(V) determining opportunities  
2                   for strengthening the processes in-  
3                   tended to reduce the imposition of ad-  
4                   ditional State agency requirements on  
5                   institutions or family or group day  
6                   care homes in addition to applicable  
7                   requirements under Federal law, in-  
8                   cluding—

9                   “(aa) State evaluation of  
10                   practices used at the time of re-  
11                   view;

12                   “(bb) regional approval of  
13                   those additional State agency re-  
14                   quirements; and

15                   “(cc) oversight through the  
16                   management evaluation process.

17                   “(iii) STATE-SPECIFIC REQUIRE-  
18                   MENTS.—The Secretary may not consider  
19                   State-specific requirements in determining  
20                   noncompliance or serious deficiency under  
21                   this paragraph.

22                   “(iv) GUIDANCE AND REGULA-  
23                   TIONS.—

1                   “(I) IN GENERAL.—After con-  
2                   ducting the review under clause (i),  
3                   the Secretary shall—

4                   “(aa) make findings from  
5                   the information collected;

6                   “(bb) issue guidance and, as  
7                   appropriate, regulations from  
8                   those findings that will—

9                   “(AA) streamline and  
10                  modernize the program  
11                  under this section; and

12                  “(BB) reduce the pa-  
13                  perwork burden on parents;  
14                  and

15                  “(cc) assist sponsoring orga-  
16                  nizations, State agencies, and the  
17                  Food and Nutrition Service in  
18                  ensuring a fair, uniform, and ef-  
19                  fective administration of the seri-  
20                  ous deficiency process under this  
21                  paragraph, while retaining pro-  
22                  gram integrity.

23                  “(II) SCOPE.—The guidance and  
24                  regulations issued pursuant to sub-  
25                  clause (I) shall include—

1           “(aa) provisions to ensure  
2 clarity with respect to required  
3 measures for noncompliance, in-  
4 cluding—

5           “(AA) an allowance for  
6 a reasonable margin of  
7 human error; and

8           “(BB) a distinction be-  
9 tween a reasonable margin  
10 of human error and system-  
11 atic or intentional non-  
12 compliance;

13           “(bb) a formal appeals and  
14 mediation process that—

15           “(AA) is conducted by  
16 a trained official who is  
17 independent from, and not  
18 affiliated with, any person or  
19 agency involved in the deter-  
20 mination being appealed or  
21 mediated;

22           “(BB) provides an op-  
23 portunity for a fair hearing  
24 for any institution or family  
25 or group day care home de-

1                   terminated to have a serious  
2                   deficiency finding or inad-  
3                   equate corrective action  
4                   plan; and

5                   “(CC) provides for the  
6                   evaluation and resolution of  
7                   disputes regarding State  
8                   agency requirements appli-  
9                   cable to institutions or fam-  
10                  ily or group day care homes  
11                  that are in addition to appli-  
12                  cable requirements under  
13                  Federal law;

14                  “(cc) timeframes for accept-  
15                  able corrective action plans for  
16                  group or family day care homes  
17                  that are consistent with correc-  
18                  tive action timeframes for child  
19                  care centers; and

20                  “(dd) a process to dismiss a  
21                  serious deficiency on correction of  
22                  the deficiency.”.

1 **SEC. 4. REIMBURSEMENTS FOR ADDITIONAL MEALS OR**  
2 **SNACKS.**

3 Section 17(f)(2) of the Richard B. Russell National  
4 School Lunch Act (42 U.S.C. 1766(f)(2)) is amended—

5 (1) by striking “(2)(A) Subject to subparagraph  
6 (B) of this paragraph” and inserting the following:

7 “(2) DISBURSEMENTS.—

8 “(A) IN GENERAL.—Subject to subpara-  
9 graph (B)”;

10 (2) by striking subparagraph (B) and inserting  
11 the following:

12 “(B) LIMITATION ON NUMBER OF  
13 MEALS.—No reimbursement may be made to an  
14 institution under this paragraph, or to a family  
15 or group day care home sponsoring organization  
16 under paragraph (3), for more than—

17 “(i) 2 meals and 1 supplement, or 1  
18 meal and 2 supplements, per day per child;  
19 or

20 “(ii) 3 meals and 1 supplement, or 2  
21 meals and 2 supplements, per day per  
22 child, in the case of child care during  
23 which there are 8 or more hours between  
24 the beginning of the first meal service pe-  
25 riod and the beginning of the fourth meal  
26 service period.”; and

1 (3) by adding at the end the following:

2 “(D) STUDY ON THIRD MEAL.—The Sec-  
3 retary shall—

4 “(i) not later than 2 years after the  
5 date of enactment of this subparagraph,  
6 conduct a study regarding—

7 “(I) the prevalence of third-meal  
8 reimbursement by program operators;  
9 and

10 “(II) the contribution of such an  
11 additional meal to—

12 “(aa) effectively supporting  
13 working families;

14 “(bb) local economies; and

15 “(cc) the economic viability  
16 of child care and afterschool pro-  
17 grams, including in rural areas;

18 “(ii) submit to the Committee on Ag-  
19 riculture, Nutrition, and Forestry of the  
20 Senate and the Committee on Education  
21 and Workforce of the House of Represent-  
22 atives a report that includes the findings of  
23 the study under clause (i); and

1 “(iii) based on the findings of the re-  
2 port under clause (ii), provide to program  
3 operators guidance—

4 “(I) to improve implementation  
5 of the program under this section;

6 “(II) to maximize the utility of  
7 an additional meal in supporting  
8 working families; and

9 “(III) to limit unnecessary costs  
10 to program operators and parents of  
11 participating children.”.

12 **SEC. 5. ADJUSTMENTS.**

13 Section 17(f)(3)(A) of the Richard B. Russell Na-  
14 tional School Lunch Act (42 U.S.C. 1766(f)(3)(A)) is  
15 amended by striking “Consumer Price Index for food at  
16 home” each place it appears and inserting “Consumer  
17 Price Index for food away from home”.

18 **SEC. 6. ADVISORY COMMITTEE ON PAPERWORK REDUC-**  
19 **TION.**

20 (a) CLERICAL AMENDMENTS.—Section 17 of the  
21 Richard B. Russell National School Lunch Act (42 U.S.C.  
22 1766) is amended—

23 (1) in subsection (a)—

24 (A) in paragraph (2)(F), by striking “sub-  
25 section (t)” and inserting “subsection (s)”; and

1 (B) in paragraph (3), by striking “sub-  
2 section (r)” and inserting “subsection (q)”;

3 (2) in subsection (c), by moving paragraphs (5)  
4 and (6) so as to appear in numerical order;

5 (3) in subsection (t)(1), by striking “Stewart B.  
6 McKinney” and inserting “McKinney-Vento”;

7 (4) by redesignating subsections (n), (q), (r),  
8 (s), (t), and (u) as subsections (u), (p), (q), (r), (s),  
9 and (t), respectively, and moving the subsections so  
10 as to appear in alphabetical order; and

11 (5) in subsection (u) (as so redesignated), by  
12 striking the subsection designation and all that fol-  
13 lows through “hereby” and inserting the following:

14 “(u) AUTHORIZATION OF APPROPRIATIONS.—There  
15 are”.

16 (b) ADVISORY COMMITTEE.—Section 17 of the Rich-  
17 ard B. Russell National School Lunch Act (42 U.S.C.  
18 1766) (as amended by subsection (a)(4)) is amended by  
19 inserting after subsection (m) the following:

20 “(n) ADVISORY COMMITTEE ON PAPERWORK REDUC-  
21 TION.—

22 “(1) ESTABLISHMENT.—Not later than 180  
23 days after the date of enactment of the Early Child-  
24 hood Nutrition Improvement Act, the Secretary shall  
25 establish an advisory committee (referred to in this

1 subsection as the ‘Advisory Committee’) to carry out  
2 the duties described in paragraph (2).

3 “(2) DUTIES.—The duties of the Advisory  
4 Committee shall be—

5 “(A) to examine the feasibility of reducing  
6 unnecessary or duplicative paperwork resulting  
7 from regulations and recordkeeping require-  
8 ments, including paperwork resulting from ad-  
9 ditional State requirements, for entities partici-  
10 pating, or seeking to participate, in the pro-  
11 gram under this section, including State agen-  
12 cies, family child care homes, child care centers,  
13 and sponsoring organizations; and

14 “(B) to provide to the Secretary rec-  
15 ommendations to reduce the paperwork de-  
16 scribed in subparagraph (A) for participants in  
17 the program under this section, while ensuring  
18 that proper accountability and program integ-  
19 rity are maintained.

20 “(3) MEMBERSHIP.—The Advisory Committee  
21 shall be composed of not fewer than 14 members, of  
22 whom—

23 “(A) 1 shall be a representative of a public  
24 nonprofit center;

1           “(B) 1 shall be a representative of a pri-  
2 vate nonprofit center;

3           “(C) 1 shall be a representative of a family  
4 or group day care home;

5           “(D) 1 shall be a representative of a Head  
6 Start center;

7           “(E) 1 shall be a representative of a for-  
8 profit center;

9           “(F) 1 shall be a representative of an  
10 emergency shelter;

11           “(G) 1 shall be a representative of an  
12 adult day care center;

13           “(H) 1 shall be a representative of a State  
14 agency;

15           “(I) 1 shall be a representative of a spon-  
16 soring organization for the entities referred to  
17 in subparagraphs (A), (B), (D), (E), (F), and  
18 (G);

19           “(J) 1 shall be a representative of a spon-  
20 soring organization of family or group day care  
21 homes;

22           “(K) 1 shall be a representative of an anti-  
23 hunger advocacy organization;

24           “(L) 1 shall be a representative of an at-  
25 risk, afterschool program;

1           “(M) 1 shall be a representative of a child  
2           care advocacy organization; and

3           “(N) 1 shall be a representative of an ad-  
4           vocacy organization representing parents with  
5           young children.

6           “(4) CONSIDERATIONS.—In developing rec-  
7           ommendations under paragraph (2)(B), the Advisory  
8           Committee shall take into consideration—

9           “(A) information, recommendations, and  
10          reports from the paperwork reduction work  
11          group established by the Food and Nutrition  
12          Service pursuant to section 119(i) of the Child  
13          Nutrition and WIC Reauthorization Act of  
14          2004 (42 U.S.C. 1766 note; Public Law 108–  
15          265);

16          “(B) the use of electronic systems and rec-  
17          ordkeeping technologies to reduce paperwork  
18          for program participants and program opera-  
19          tors; and

20          “(C) duplicative requirements across mul-  
21          tiple Federal programs.

22          “(5) GUIDANCE AND REGULATIONS.—Not later  
23          than 2 years after the date of enactment of the  
24          Early Childhood Nutrition Improvement Act, the  
25          Secretary shall issue guidance and, as appropriate,

1 regulations based on the recommendations described  
2 in paragraph (2)(B) for streamlined and consoli-  
3 dated paperwork and recordkeeping requirements for  
4 the program under this section, including rec-  
5 ommendations and actions carried out to reduce pa-  
6 perwork for parents and program operators by  
7 streamlining and modernizing—

8 “(A) applications; and

9 “(B) the monitoring and auditing of pro-  
10 grammatic documentation and recordkeeping,  
11 including—

12 “(i) eliminating the use of the enroll-  
13 ment form for the purpose of claiming  
14 meals;

15 “(ii) allowing the use of direct certifi-  
16 cation in all States;

17 “(iii) requiring States to accept as  
18 documentation digital forms, digitized and  
19 electronic signatures, and electronic  
20 records;

21 “(iv) allowing the use of electronic  
22 data collection systems containing all re-  
23 quired Federal child and adult care food  
24 program standards;



1                   “(i) strengthen and streamline the ap-  
2                   plication and monitoring process of the  
3                   program under this section; and

4                   “(ii) reduce administrative burdens on  
5                   grantees, program participants, the Fed-  
6                   eral Government, and State and local gov-  
7                   ernments.”.