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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

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 HOUSE OF REPRESENTATIVES

Ms. BONAMICI introduced the following bill; which was 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”.

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

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

5 (1) in the matter preceding subparagraph (A),
6 by striking “criteria:” and inserting “criteria—”;

7 (2) in subparagraph (E), by striking “and” at
8 the end;

9 (3) in subparagraph (F), by striking the period
10 at the end and inserting “; and”; and

11 (4) by adding at the end the following:

12 “(G) in the case of an institution described
13 in paragraph (2)(B), the eligibility of such in-
14 stitution shall be determined on an annual basis
15 in accordance with this section.”.

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

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

20 “(F) SERIOUS DEFICIENCY PROCESS.—

21 “(i) IN GENERAL.—Not later than 1
22 year after the date of the enactment of this
23 subparagraph, the Secretary shall review
24 and issue guidance and, as appropriate,
25 regulations regarding the serious deficiency
26 process for the program under this section.

1 “(ii) REVIEW.—In carrying out clause
2 (i), the Secretary shall review, at a min-
3 imum, the processes for, and those in-
4 volved in—

5 “(I) determining when there is a
6 serious deficiency with respect to an
7 institution or a family or group day
8 care home, including—

9 “(aa) what measures auto-
10 matically result in a finding of
11 serious deficiency; and

12 “(bb) how to differentiate
13 between—

14 “(AA) a reasonable
15 margin of human error and
16 systematic or intentional
17 noncompliance; and

18 “(BB) State-specific re-
19 quirements and Federal reg-
20 ulations;

21 “(II) appealing and mediating a
22 finding of serious deficiency with re-
23 spect to an institution or a family or
24 group day care home, including—

1 “(aa) findings related to
2 State-specific requirements; and

3 “(bb) processes for ensuring
4 officials involved in appeals and
5 mediation are fair and impartial;

6 “(III) determining the cir-
7 cumstances under which a corrective
8 action plan is acceptable;

9 “(IV) termination and disquali-
10 fication, including maintenance of the
11 list under subparagraph (E); and

12 “(V) determining opportunities
13 for strengthening the processes in-
14 tended to reduce additional State
15 agency requirements on institutions or
16 family or group day care homes that
17 are in addition to those required
18 under Federal law, including—

19 “(aa) State evaluation of
20 practices used at the time of re-
21 view;

22 “(bb) regional approval of
23 such additional State agency re-
24 quirements; and

1 “(cc) oversight through the
2 management evaluation process.

3 “(iii) STATE-SPECIFIC REQUIRE-
4 MENTS.—The Secretary may not consider
5 State-specific requirements in determining
6 non-compliance or serious deficiency.

7 “(iv) GUIDANCE AND REGULA-
8 TIONS.—

9 “(I) IN GENERAL.—After con-
10 ducting the review under clause (ii),
11 the Secretary shall make findings
12 from the information collected and
13 issue guidance and, as appropriate,
14 regulations from such findings that
15 will—

16 “(aa) streamline and mod-
17 ernize the program;

18 “(bb) reduce the paperwork
19 burden on parents; and

20 “(cc) assist sponsoring orga-
21 nizations, State agencies, and the
22 Food and Nutrition Service in
23 ensuring a fair, uniform, and ef-
24 fective administration of the seri-

1 ous deficiency process, while re-
2 taining program integrity.

3 “(II) SCOPE.—The guidance or,
4 as appropriate, regulations made or
5 issued under subclause (I) shall in-
6 clude—

7 “(aa) clarity on the required
8 measures for noncompliance, in-
9 cluding—

10 “(AA) an allowance for
11 a reasonable margin of
12 human error; and

13 “(BB) a distinction be-
14 tween a reasonable margin
15 of human error and system-
16 atic or intentional non-
17 compliance;

18 “(bb) a formal appeals and
19 mediation process that—

20 “(AA) is conducted by
21 a trained official who is
22 independent from and not
23 affiliated with any person or
24 agency involved in the deter-

1 mination being appealed or
2 mediated;

3 “(BB) provides an op-
4 portunity for a fair hearing
5 for any institution or family
6 or group day care home de-
7 termined to have a serious
8 deficiency finding or inad-
9 equate corrective action
10 plan; and

11 “(CC) provides for the
12 evaluation and resolution of
13 disputes over State agency
14 requirements on institutions
15 or family or group day care
16 homes that are in addition
17 to those required under Fed-
18 eral law;

19 “(cc) timeframes for accept-
20 able corrective action plans for
21 group or family day care homes
22 that are consistent with correc-
23 tive action timeframes for child
24 care centers; and

1 “(dd) a process to dismiss a
2 serious deficiency upon correction
3 of such deficiency.”.

4 **SEC. 4. AUTHORIZATION OF REIMBURSEMENTS FOR ADDI-**
5 **TIONAL MEAL OR SNACK.**

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

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

10 “(2) DISBURSEMENTS.—

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

13 (2) by amending subparagraph (B) to read as
14 follows:

15 “(B) LIMITATION.—No reimbursement
16 may be made to any institution under this para-
17 graph, or to family or group day care home
18 sponsoring organizations under paragraph (3),
19 for more than—

20 “(i) 2 meals and 1 supplement or 1
21 meal and 2 supplements per day per child;
22 or

23 “(ii) 3 meals and 1 supplement or 2
24 meals and 2 supplements per day per
25 child, in the case of child care during

1 which there are 8 or more hours between
2 the beginning of the first meal service pe-
3 riod and the beginning of the fourth meal
4 service period.

5 “(C) STUDY ON THIRD MEAL.—The Sec-
6 retary shall—

7 “(i) conduct a study, not later than 2
8 years after the date of the enactment of
9 this subparagraph, on—

10 “(I) the prevalence of third meal
11 reimbursement by program operators;

12 “(II) the role of the additional
13 meal in effectively supporting working
14 families;

15 “(III) the contribution of the ad-
16 ditional meal to the local economy;
17 and

18 “(IV) the contribution of the ad-
19 ditional meal to the economic viability
20 of child care and afterschool pro-
21 grams, including in rural areas;

22 “(ii) submit a report to the Com-
23 mittee on Agriculture, Nutrition, and For-
24 estry of the Senate and the Committee on
25 Education and the Workforce of the House

1 of Representatives that includes the find-
2 ings of the study required under clause (i);
3 and

4 “(iii) based on the findings of such re-
5 port, provide guidance to program opera-
6 tors to—

7 “(I) improve implementation of
8 the program under this section;

9 “(II) maximize the utility of the
10 additional meal in supporting working
11 families; and

12 “(III) limit unnecessary costs to
13 program operators and parents of
14 participating children.”.

15 **SEC. 5. ADJUSTMENTS.**

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

21 **SEC. 6. ADVISORY COMMITTEE ON PAPERWORK REDUC-**
22 **TION.**

23 Section 17 of the Richard B. Russell National School
24 Lunch Act (42 U.S.C. 1766) is amended by adding at the
25 end the following:

1 “(v) ADVISORY COMMITTEE ON PAPERWORK REDUC-
2 TION.—

3 “(1) ESTABLISHMENT.—Not later than 180
4 days after the date of the enactment of this sub-
5 section, the Secretary shall establish an advisory
6 committee (referred to in this subsection as the ‘Ad-
7 visory Committee’) to carry out the duties described
8 in paragraph (2).

9 “(2) DUTIES.—The duties of the Advisory
10 Committee shall be to—

11 “(A) examine the feasibility of reducing
12 unnecessary or duplicative paperwork resulting
13 from regulations and recordkeeping require-
14 ments, including paperwork resulting from ad-
15 ditional State requirements, for those partici-
16 pating or seeking to participate in the program
17 under this section, including State agencies,
18 family child care homes, child care centers, and
19 sponsoring organizations; and

20 “(B) provide recommendations to the Sec-
21 retary to reduce such paperwork for partici-
22 pants in the program under this section while
23 ensuring that proper accountability and pro-
24 gram integrity are maintained.

1 “(3) MEMBERSHIP.—The Advisory Committee
2 shall be composed of not fewer than 14 members, of
3 whom:

4 “(A) 1 shall be a representative of a public
5 nonprofit center.

6 “(B) 1 shall be a representative of a pri-
7 vate nonprofit center.

8 “(C) 1 shall be a representative of a family
9 or group day care home.

10 “(D) 1 shall be a representative of a Head
11 Start center.

12 “(E) 1 shall be a representative of a for-
13 profit center.

14 “(F) 1 shall be a representative of an
15 emergency shelter.

16 “(G) 1 shall be a representative of an
17 adult day care center.

18 “(H) 1 shall be a representative of a State
19 agency.

20 “(I) 1 shall be a representative of a spon-
21 soring organization for the entities referred to
22 in subparagraphs (A), (B), (D), (E), (F), and
23 (G).

1 “(J) 1 shall be a representative of a spon-
2 soring organization of family or group day care
3 homes.

4 “(K) 1 shall be a representative of an anti-
5 hunger advocacy organization.

6 “(L) 1 shall be a representative of an at-
7 risk, after school program.

8 “(M) 1 shall be a representative of a child
9 care advocacy organization.

10 “(N) 1 shall be a representative of an ad-
11 vocacy organization representing parents with
12 young children.

13 “(4) CONSIDERATIONS.—In developing the rec-
14 ommendations described in paragraph (2)(B), the
15 Advisory Committee shall consider—

16 “(A) information, recommendations, and
17 reports from the Paperwork Reduction Work
18 Group established by the Food and Nutrition
19 Service pursuant to section 119(i) of the Child
20 Nutrition and WIC Reauthorization Act of
21 2004 (Public Law 108–265; 118 Stat. 755);

22 “(B) the use of electronic systems and rec-
23 ordkeeping technologies to reduce paperwork
24 for program participants and program opera-
25 tors; and

1 “(C) duplicative requirements across mul-
2 tiple Federal programs.

3 “(5) GUIDANCE AND REGULATIONS.—Not later
4 than 2 years after the date of the enactment of this
5 subsection, the Secretary shall issue guidance and,
6 as appropriate, regulations based on the rec-
7 ommendations described in paragraph (2)(B) for
8 streamlined and consolidated paperwork and record-
9 keeping requirements for the program, including rec-
10 ommendations and actions taken to reduce paper-
11 work for parents and program operators by—

12 “(A) streamlining and modernizing appli-
13 cations; and

14 “(B) streamlining and modernizing the
15 monitoring and auditing of programmatic docu-
16 mentation and recordkeeping, including—

17 “(i) eliminating the use of the enroll-
18 ment form for the purpose of claiming
19 meals;

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

22 “(iii) requiring States to accept as
23 documentation digital forms, digitized and
24 electronic signatures, and electronic
25 records;

1 “(iv) allowing the use of electronic
2 data collection systems containing all re-
3 quired Federal child and adult care food
4 program standards;

5 “(v) addressing non-mandated State-
6 specific requirements; and

7 “(vi) requiring the adoption of gen-
8 erally accepted technologies for client-fac-
9 ing technology, virtual visits, and tech-
10 nology used for administrative functions by
11 the child and adult care food program to
12 reduce the burden on participants and pro-
13 gram operators and administrators.

14 “(6) REPORT.—

15 “(A) IN GENERAL.—Not later than 180
16 days after issuing the guidance and, as appro-
17 priate, regulations described in paragraph (5),
18 the Secretary shall submit a report to the Com-
19 mittee on Agriculture, Nutrition, and Forestry
20 of the Senate and the Committee on Education
21 and the Workforce of the House of Representa-
22 tives containing the information described in
23 subparagraph (B).

24 “(B) CONTENTS.—The report under sub-
25 paragraph (A) shall contain the following:

1 “(i) With respect to each instance in
2 which the Secretary did not implement a
3 recommendation of the Advisory Com-
4 mittee, an explanation with respect to why
5 such recommendation was not imple-
6 mented.

7 “(ii) Additional recommendations with
8 respect to legislative action that may fur-
9 ther strengthen and streamline the pro-
10 gram application and monitoring process
11 and reduce administrative burdens on
12 grantees, program participants, and local,
13 State, and Federal governments.”.