

[~114H3886]

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(Original Signature of Member)

115TH 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 subparagraph (E), by striking “and” at
6 the end;

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

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

10 “(G) in the case of an institution described
11 in paragraph (2)(B), the eligibility determina-
12 tion shall be in effect for 6 months after the
13 date such institution is approved by the State
14 under section 17(d).”.

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

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

19 “(F) SERIOUS DEFICIENCY PROCESS.—

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

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

10 “(bb) how differentiation is
11 being made between—

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

16 “(BB) State-specific re-
17 quirements and Federal reg-
18 ulations;

19 “(II) appealing and mediating a
20 finding of serious deficiency, includ-
21 ing—

22 “(aa) findings related to
23 State-specific requirements; and

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

4 “(III) determining the cir-
5 cumstances under which a corrective
6 action plan is acceptable; and

7 “(IV) termination and disquali-
8 fication, including maintenance of the
9 list under subparagraph (E).

10 “(iii) GUIDANCE AND REGULA-
11 TIONS.—

12 “(I) IN GENERAL.—After con-
13 ducting the review under clause (ii),
14 the Secretary shall make findings
15 from the information collected and
16 issue guidance and, as appropriate,
17 regulations from such findings that
18 will assist sponsoring organizations,
19 State agencies, and the Food and Nu-
20 trition Service in ensuring a fair, uni-
21 form, and effective administration of
22 the serious deficiency process, while
23 retaining program integrity.

1 “(II) SCOPE.—Such guidance or,
2 as appropriate, regulations shall in-
3 clude—

4 “(aa) clarity on the different
5 measures for noncompliance;

6 “(bb) appeals process for a
7 finding of serious deficiency or a
8 determination that a corrective
9 action plan is inadequate; and

10 “(cc) adequate timeframes
11 under a corrective action plan for
12 compliance that are consistent
13 for all types of institutions, in-
14 cluding family or group day care
15 homes.”.

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

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

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

22 “(2) DISBURSEMENTS.—

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

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

3 “(B) LIMITATION.—No reimbursement
4 may be made to any institution under this para-
5 graph, or to family or group day care home
6 sponsoring organizations under paragraph (3),
7 for more than—

8 “(i) 2 meals and 1 supplement or 1
9 meal and 2 supplements per day per child;
10 or

11 “(ii) 3 meals and 1 supplement or 2
12 meals and 2 supplements per day per
13 child, for each child that is maintained in
14 a child care setting for more than 8 hours
15 per day.”.

16 **SEC. 5. ADJUSTMENTS.**

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

1 **SEC. 6. ADVISORY COMMITTEE ON PAPERWORK REDUC-**
2 **TION.**

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

6 “(v) ADVISORY COMMITTEE ON PAPERWORK REDUC-
7 TION.—

8 “(1) ESTABLISHMENT.—Not later than 180
9 days after the date of the enactment of this sub-
10 section, the Secretary shall establish an advisory
11 committee (hereafter in this subsection referred to
12 as the ‘Advisory Committee’) to carry out the duties
13 described in paragraph (2).

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

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

25 “(B) provide recommendations to reduce
26 such paperwork for participants in the program

1 under this section while ensuring that proper
2 accountability and program integrity are main-
3 tained.

4 “(3) MEMBERSHIP.—The Advisory Committee
5 shall be composed of 1 member representing each of
6 the following entities and such other members as the
7 Secretary determines to be appropriate:

8 “(A) A public nonprofit center.

9 “(B) A private nonprofit center.

10 “(C) A family or group day care home.

11 “(D) A Head Start center.

12 “(E) A for-profit center.

13 “(F) An emergency shelter.

14 “(G) An adult day care center.

15 “(H) A State agency.

16 “(I) Sponsoring organizations for centers
17 and family or group day care homes.

18 “(J) An anti-hunger advocacy organiza-
19 tion.

20 “(K) An at-risk, after school program.

21 “(L) A child care advocacy organization.

22 “(4) CONSIDERATIONS.—In developing the rec-
23 ommendations described in paragraph (2), the Advi-
24 sory Committee shall consider—

1 “(A) information, recommendations, and
2 reports from the Paperwork Reduction Work
3 Group established by the Food and Nutrition
4 Service pursuant to section 119(i) of the Child
5 Nutrition and WIC Reauthorization Act of
6 2004 (Public Law 108–265; 118 Stat. 755);
7 and

8 “(B) the use of electronic systems and rec-
9 ordkeeping technologies to reduce paperwork
10 for program participants.

11 “(5) GUIDANCE AND REGULATIONS.—Not later
12 than 2 years after the date of the enactment of this
13 subsection, the Secretary shall issue guidance and,
14 as appropriate, regulations based on the rec-
15 ommendations described in paragraph (2) for
16 streamlined and consolidated paperwork and record-
17 keeping requirements for the program, including rec-
18 ommendations for reducing paperwork for applica-
19 tions and monitoring and auditing requirements.

20 “(6) REPORT.—

21 “(A) IN GENERAL.—Not later than 180
22 days after issuing the guidance and regulations
23 described in paragraph (5), the Secretary shall
24 submit a report to the Committee on Agri-
25 culture, Nutrition, and Forestry of the Senate

1 and the Committee on Education and the
2 Workforce of the House of Representatives con-
3 taining the information described in subpara-
4 graph (B).

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

7 “(i) In each case in which the Sec-
8 retary did not implement a recommenda-
9 tion of the Advisory Committee, an expla-
10 nation of why such recommendation was
11 not implemented.

12 “(ii) Recommendations for legislative
13 action that may further strengthen and
14 streamline the program application and
15 monitoring process and reduce administra-
16 tive burdens on grantees, program partici-
17 pants, and local, State, and Federal gov-
18 ernments.”.