

114TH CONGRESS  
1ST SESSION

# H. R. 3886

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

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 3, 2015

Ms. BONAMICI (for herself and Ms. STEFANIK) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## 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 (E), by striking “and” at  
2 the end;

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

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

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

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

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

15 “(F) SERIOUS DEFICIENCY PROCESS.—

16 “(i) IN GENERAL.—Not later than 1  
17 year after the date of enactment of this  
18 subparagraph, the Secretary shall review  
19 and issue guidance and, as appropriate,  
20 regulations regarding the serious deficiency  
21 process for the program under this section.

22 “(ii) REVIEW.—In carrying out clause  
23 (i), the Secretary shall review, at a min-  
24 imum, the processes for, and those in-  
25 volved in—

1 “(I) determining when there is a  
2 serious deficiency, including—

3 “(aa) what measures auto-  
4 matically result in a finding of  
5 serious deficiency; and

6 “(bb) how differentiation is  
7 being made between—

8 “(AA) a reasonable  
9 margin of human error and  
10 systematic or intentional  
11 noncompliance; and

12 “(BB) State-specific re-  
13 quirements and Federal reg-  
14 ulations;

15 “(II) appealing and mediating a  
16 finding of serious deficiency, includ-  
17 ing—

18 “(aa) findings related to  
19 State-specific requirements; and

20 “(bb) processes for ensuring  
21 officials involved in appeals and  
22 mediation are fair and impartial;

23 “(III) determining the cir-  
24 cumstances under which a corrective  
25 action plan is acceptable; and

1 “(IV) termination and disquali-  
2 fication, including maintenance of the  
3 list under subparagraph (E).

4 “(iii) GUIDANCE AND REGULA-  
5 TIONS.—

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

18 “(II) SCOPE.—Such guidance or,  
19 as appropriate, regulations shall in-  
20 clude—

21 “(aa) clarity on the different  
22 measures for noncompliance;

23 “(bb) appeals process for a  
24 finding of serious deficiency or a

1 determination that a corrective  
2 action plan is inadequate; and

3 “(cc) adequate timeframes  
4 under a corrective action plan for  
5 compliance that are consistent  
6 for all types of institutions, in-  
7 cluding family or group day care  
8 homes.”.

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

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

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

15 “(2) DISBURSEMENTS.—

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

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

20 “(B) LIMITATION.—No reimbursement  
21 may be made to any institution under this para-  
22 graph, or to family or group day care home  
23 sponsoring organizations under paragraph (3),  
24 for more than—

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

4                   “(ii) 3 meals and 1 supplement or 2  
5                   meals and 2 supplements per day per  
6                   child, for each child that is maintained in  
7                   a child care setting for more than 8 hours  
8                   per day.”.

9 **SEC. 5. ADVISORY COMMITTEE ON PAPERWORK REDUC-**  
10 **TION.**

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

14           “(v) ADVISORY COMMITTEE ON PAPERWORK REDUC-  
15 TION.—

16                   “(1) ESTABLISHMENT.—Not later than 180  
17 days after the date of the enactment of this sub-  
18 section, the Secretary shall establish an advisory  
19 committee (hereafter in this subsection referred to  
20 as the ‘Advisory Committee’) to carry out the duties  
21 described in paragraph (2).

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

24                           “(A) examine the feasibility of reducing  
25 unnecessary or duplicative paperwork resulting

1 from regulations and recordkeeping require-  
2 ments, including paperwork resulting from ad-  
3 ditional State requirements, for those partici-  
4 pating or seeking to participate in the program  
5 under this section including State agencies,  
6 family child care homes, child care centers, and  
7 sponsoring organizations; and

8 “(B) provide recommendations to reduce  
9 such paperwork for participants in the program  
10 under this section while ensuring that proper  
11 accountability and program integrity are main-  
12 tained.

13 “(3) MEMBERSHIP.—The Advisory Committee  
14 shall be composed of 1 member representing each of  
15 the following entities and such other members as the  
16 Secretary determines to be appropriate:

17 “(A) A public nonprofit center.

18 “(B) A private nonprofit center.

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

20 “(D) A Head Start center.

21 “(E) A for-profit center.

22 “(F) An emergency shelter.

23 “(G) An adult day care center.

24 “(H) A State agency.

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

3           “(J) An anti-hunger advocacy organiza-  
4           tion.

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

6           “(L) A child care advocacy organization.

7           “(4) CONSIDERATIONS.—In developing the rec-  
8           ommendations described in paragraph (2), the Advi-  
9           sory Committee shall consider—

10           “(A) information, recommendations, and  
11           reports from the Paperwork Reduction Work  
12           Group established by the Food and Nutrition  
13           Service pursuant to section 119(i) of the Child  
14           Nutrition and WIC Reauthorization Act of  
15           2004 (Public Law 108–265; 118 Stat. 755);  
16           and

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

20           “(5) GUIDANCE AND REGULATIONS.—Not later  
21           than 2 years after the date of the enactment of this  
22           subsection, the Secretary shall issue guidance and,  
23           as appropriate, regulations based on the rec-  
24           ommendations described in paragraph (2) for  
25           streamlined and consolidated paperwork and record-



1 keeping requirements for the program, including rec-  
2 ommendations for reducing paperwork for applica-  
3 tions and monitoring and auditing requirements.

4 “(6) REPORT.—

5 “(A) IN GENERAL.—Not later than 180  
6 days after issuing the guidance and regulations  
7 described in paragraph (5), the Secretary shall  
8 submit a report to the Committee on Agri-  
9 culture, Nutrition, and Forestry of the Senate  
10 and the Committee on Education and the  
11 Workforce of the House of Representatives con-  
12 taining the information described in subpara-  
13 graph (B).

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

16 “(i) In each case in which the Sec-  
17 retary did not implement a recommenda-  
18 tion of the Advisory Committee, an expla-  
19 nation of why such recommendation was  
20 not implemented.

21 “(ii) Recommendations for legislative  
22 action that may further strengthen and  
23 streamline the program application and  
24 monitoring process and reduce administra-  
25 tive burdens on grantees, program partici-

1 pants, and local, State, and Federal gov-  
2 ernments.”.

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