

117TH CONGRESS
1ST SESSION

S. 1270

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

IN THE SENATE OF THE UNITED STATES

APRIL 21, 2021

Mr. CASEY (for himself, Ms. SMITH, Mr. BLUMENTHAL, Mr. MERKLEY, Mr. BOOKER, Mr. MENENDEZ, Mr. REED, Mr. SANDERS, Mr. LEAHY, Mrs. MURRAY, Ms. BALDWIN, Ms. HIRONO, Mrs. GILLIBRAND, Ms. KLOBUCHAR, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

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

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 “Access to Healthy
5 Food for Young Children Act of 2021”.

1 **SEC. 2. REIMBURSEMENTS.**

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

5 (1) in paragraph (1), by striking “the same as”
6 and inserting “10 cents more than”;

7 (2) in paragraph (2), by striking “the same as”
8 and inserting “10 cents more than”; and

9 (3) in paragraph (3)—

10 (A) by striking “30 cents” and inserting
11 “\$1.01 cents”; and

12 (B) by striking “2.75 cents” and inserting
13 “\$0.18 cents”.

14 (b) DAY CARE HOME REIMBURSEMENTS.—Section
15 17(f)(3)(A) of the Richard B. Russell National School
16 Lunch Act (42 U.S.C. 1766(f)(3)(A)) is amended—

17 (1) by striking “Consumer Price Index for food
18 at home” each place it appears and inserting “Con-
19 sumer Price Index for food away from home”;

20 (2) in clause (ii)(III)—

21 (A) by striking “Except as provided in
22 subclause (IV),” and inserting the following:

23 “(aa) IN GENERAL.—Except
24 as provided in item (bb) and sub-
25 clause (IV),”; and

26 (B) by adding at the end the following:

1 “(bb) ADDITIONAL REIM-
 2 BURSEMENT.—Effective begin-
 3 ning July 1, 2022, the reim-
 4 bursement factor for each meal
 5 and supplement under this sub-
 6 paragraph shall be increased by
 7 10 cents per child served.”; and

8 (3) in clause (iii)(I)(aa), by striking “the reim-
 9 bursement factors shall be” and all that follows
 10 through “supplements” and inserting “the reim-
 11 bursement factors shall be \$1.58 for meals other
 12 than breakfast, \$0.58 cents for breakfasts, and
 13 \$0.30 cents for supplements”.

14 **SEC. 3. STREAMLINING PROGRAM PAPERWORK IN HIGH-**
 15 **POVERTY AREAS.**

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

19 “(7) STREAMLINING PROGRAM PAPERWORK IN
 20 HIGH POVERTY AREAS.—

21 “(A) DEFINITIONS.—In this paragraph:

22 “(i) ELIGIBLE CHILD CARE CEN-
 23 TER.—The term ‘eligible child care center’
 24 means a child care center at least 50 per-
 25 cent of children under the care of which

1 qualify for free or reduced price meals or
2 categorical eligibility as described in sub-
3 section (f)(3)(A)(iii)(III)(bb).

4 “(ii) NONPRICING PROGRAM.—The
5 term ‘nonpricing program’ means a pro-
6 gram under which an eligible child center
7 serves all children under the care of the
8 center meals and supplements under this
9 section without charge.

10 “(B) ELECTION OF SPECIAL PAYMENTS.—

11 “(i) IN GENERAL.—An eligible child
12 care center may elect to receive special
13 payments under this paragraph in lieu of
14 payments otherwise made available under
15 this section based on applications for free
16 and reduced price meals and supplements
17 if—

18 “(I) subject to clause (ii), during
19 the 4 consecutive fiscal years begin-
20 ning after the date of the election, the
21 eligible child care center elects to op-
22 erate a nonpricing program;

23 “(II) the eligible child care center
24 pays, from sources other than funds
25 made available to carry out the pro-

1 gram under this section, the costs of
2 serving the meals and supplements
3 that are in excess of the value of as-
4 sistance received under this Act; and

5 “(III) during the fiscal year in
6 which the election under this clause is
7 made, the eligible child care center
8 had a percentage of enrolled children
9 that meets or exceeds the threshold
10 described in subparagraph (A)(i).

11 “(ii) ELECTION TO STOP RECEIVING
12 PAYMENTS.—An eligible child care center
13 may elect to stop receiving special pay-
14 ments under this paragraph for the fol-
15 lowing fiscal year by notifying the State
16 agency not later than June 30 of the cur-
17 rent fiscal year of the intention to stop re-
18 ceiving the special payments.

19 “(C) FIRST YEAR OF OPTION.—

20 “(i) IN GENERAL.—For each month
21 of the first fiscal year of the 4-year period
22 during which an eligible child care center
23 elects to receive special payments under
24 this paragraph, special payments at the
25 rate for free meals and supplements shall

1 be made under this subparagraph for all
 2 reimbursable meals and supplements
 3 served at the eligible child care center.

4 “(ii) CALCULATION.—Special pay-
 5 ments under clause (i) shall be calculated
 6 using a blended per-meal rate based on a
 7 formula that multiplies national average
 8 payment rates by the percentage of chil-
 9 dren at the eligible child care center that
 10 receive free, reduced price, and paid meals
 11 and supplements.

12 “(D) SECOND, THIRD, AND FOURTH YEARS
 13 OF OPTION.—

14 “(i) IN GENERAL.—For each month
 15 of the second, third, and fourth fiscal years
 16 of the 4-year period during which an eligi-
 17 ble child care center elects to receive spe-
 18 cial payments under this paragraph, spe-
 19 cial payments at the blended rate estab-
 20 lished for the first year of the option under
 21 subparagraph (C) shall be made under this
 22 subparagraph for all reimbursable meals
 23 and supplements served at the eligible
 24 child care center.

1 “(ii) CALCULATION.—Special pay-
 2 ments under clause (i) shall be equal to the
 3 product obtained by multiplying—

4 “(I) the applicable blended per-
 5 meal rate; by

6 “(II) the number of meals and
 7 supplements served by the eligible
 8 child care center during the period be-
 9 ginning on April 1 of the prior fiscal
 10 year and ending on the last day of
 11 that fiscal year.”.

12 (b) COMMUNITY ELIGIBILITY PILOT PROJECTS.—
 13 Section 17(c) of the Richard B. Russell National School
 14 Lunch Act (42 U.S.C. 1766(c)) (as amended by subsection
 15 (a)) is amended by adding at the end the following:

16 “(8) COMMUNITY ELIGIBILITY PILOT
 17 PROJECTS.—

18 “(A) DEFINITIONS.—In this paragraph:

19 “(i) COVERED CHILD.—The term
 20 ‘covered child’ means a child certified for
 21 free or reduced price meals by means of—

22 “(I) direct certification under
 23 paragraph (4) or (5) of section 9(b);
 24 or

1 “(II) categorical eligibility, as de-
 2 scribed in subsection
 3 (f)(3)(A)(iii)(III)(bb).

4 “(ii) ELIGIBLE CHILD CARE CEN-
 5 TER.—The term ‘eligible child care center’
 6 means a child care center that—

7 “(I) has a percentage of enrolled
 8 children who are covered children that
 9 meets or exceeds the threshold de-
 10 scribed in section 11(a)(1)(F)(viii);
 11 and

12 “(II) has met or exceeded that
 13 threshold for a period of not less than
 14 1 month in the fiscal year prior to the
 15 fiscal year in which the child care cen-
 16 ter would participate in a pilot
 17 project.

18 “(iii) ELIGIBLE SPONSORING ORGANI-
 19 ZATION.—The term ‘eligible sponsoring or-
 20 ganization’ means an organization that is a
 21 public or private nonprofit organization
 22 acting as a sponsoring organization for 1
 23 or more child care centers participating in
 24 the program authorized under this section.

1 “(iv) NONPRICING PROGRAM.—The
2 term ‘nonpricing program’ means a pro-
3 gram under which an eligible child care
4 center serves all children under the care of
5 the center meals and supplements under a
6 pilot project without charge.

7 “(v) PILOT PROJECT.—The term
8 ‘pilot project’ means a pilot project carried
9 out under subparagraph (B)(i).

10 “(vi) SELECTED CHILD CARE CEN-
11 TER.—The term ‘selected child care center’
12 means an eligible child care center selected
13 under subparagraph (E) by a selected
14 State and a selected sponsoring organiza-
15 tion to implement the pilot project at that
16 child care center.

17 “(vii) SELECTED SPONSORING ORGA-
18 NIZATION.—The term ‘selected sponsoring
19 organization’ means an eligible sponsoring
20 organization selected under subparagraph
21 (D)(iv) by a selected State to coordinate
22 implementation of the pilot project in that
23 State.

24 “(viii) SELECTED STATE.—The term
25 ‘selected State’ means a State selected to

1 carry out a pilot project under subpara-
2 graph (C)(i).

3 “(B) ESTABLISHMENT.—

4 “(i) IN GENERAL.—Not later than 1
5 year after the date of enactment of this
6 paragraph, the Secretary shall establish a
7 program to carry out pilot projects in se-
8 lected States under which meals and sup-
9 plements are provided at no charge to
10 every child in a selected child care center.

11 “(ii) START DATE.—Each pilot
12 project shall begin in a selected State not
13 later than 1 year after the date of enact-
14 ment of this paragraph.

15 “(C) STATE SELECTION.—

16 “(i) IN GENERAL.—The Secretary
17 shall select not more than 6 States to each
18 carry out a pilot project in coordination
19 with a selected sponsoring organization.

20 “(ii) APPLICATIONS.—A State seeking
21 to carry out a pilot project shall submit to
22 the Secretary an application at such time,
23 in such manner, and containing such infor-
24 mation as the Secretary may require, in-

cluding information about the selected
sponsoring organization.

“(iii) PRIORITY.—In carrying out
clause (i), the Secretary shall give priority
to a State based on—

“(I) the level of childhood poverty
in the service area of the selected
sponsoring organization; and

“(II) the extent to which that
sponsoring organization demonstrates
expertise and capacity in, and com-
mitment to, implementing the pilot
project.

“(D) SPONSORING ORGANIZATION SELEC-
TION BY STATES.—Prior to submitting an ap-
plication under subparagraph (C)(ii), each
State seeking to carry out a pilot project
shall—

“(i) identify each eligible sponsoring
organization in the State;

“(ii) inform each eligible sponsoring
organization identified under clause (i) of
the proposed pilot project of the State;

“(iii) solicit applications from eligible
sponsoring organizations that demonstrate

1 the expertise, capacity, and commitment of
2 the sponsoring organization in imple-
3 menting the pilot project; and

4 “(iv) select an eligible sponsoring or-
5 ganization to coordinate implementation of
6 the pilot project.

7 “(E) CHILD CARE CENTER SELECTION.—

8 Each selected State and selected sponsoring or-
9 ganization shall select 1 or more eligible child
10 care centers to voluntarily participate in the
11 pilot project in the selected State.

12 “(F) NONPRICING PROGRAM.—

13 “(i) IN GENERAL.—Under a pilot
14 project, a selected child care center shall
15 operate a nonpricing program by—

16 “(I) receiving special assistance
17 payments under this subparagraph in
18 lieu of any other special assistance
19 payment made under this section; and

20 “(II) using non-Federal funds to
21 pay for the cost of meals and supple-
22 ments served at the selected child care
23 center that are not reimbursed under
24 the pilot project or the program au-
25 thorized under this section.

1 “(ii) ELECTION TO STOP PARTICIPA-
2 TION.—A selected child care center that
3 elects to stop participating in a pilot
4 project under clause (i) shall notify the se-
5 lected State and the selected sponsoring
6 organization not later than 3 months be-
7 fore the date on which the center intends
8 to stop participation.

9 “(iii) FIRST YEAR.—For each month
10 of the first fiscal year during which a pilot
11 project is carried out in a selected State,
12 each selected child care center shall receive
13 special assistance payments at the rate for
14 free meals and supplements for a percent-
15 age of all reimbursable meals and supple-
16 ments served in selected child care centers
17 during that month in an amount equal to
18 the product obtained by multiplying—

19 “(I) the multiplier described in
20 section 11(a)(1)(F)(vii); and

21 “(II) the percentage of covered
22 children enrolled in the selected child
23 care centers as of April 1 of the prior
24 fiscal year, up to a maximum of 100
25 percent.

1 “(iv) SECOND AND SUBSEQUENT
2 YEARS.—For each month of the second fis-
3 cal year and each subsequent fiscal year
4 during which a pilot project is carried out
5 in a selected State, each selected child care
6 center shall receive special assistance pay-
7 ments at the rate for free meals and sup-
8 plements for a percentage of all reimburs-
9 able meals and supplements served in se-
10 lected child care centers during that month
11 in an amount equal to the product ob-
12 tained by multiplying—

13 “(I) the multiplier described in
14 section 11(a)(1)(F)(vii); and

15 “(II) the higher of—

16 “(aa) the percentage of cov-
17 ered children enrolled in the se-
18 lected child care centers as of
19 April 1 of the prior fiscal year,
20 up to a maximum of 100 percent;
21 and

22 “(bb) the percentage of cov-
23 ered children enrolled in the se-
24 lected child care centers as of
25 April 1 of the fiscal year prior to

1 the first fiscal year in which the
2 selected child care center partici-
3 pates in the pilot project, up to a
4 maximum of 100 percent.

5 “(v) PAYMENT FOR OTHER MEALS.—
6 Any meal or supplement served under the
7 program authorized under this section that
8 is not part of a pilot project shall be reim-
9 bursed at the rates established under sub-
10 section (c).

11 “(G) IMPLEMENTATION.—

12 “(i) NO APPLICATIONS.—In partici-
13 pating in a pilot project, a selected spon-
14 soring organization or selected child care
15 center shall not collect enrollment forms or
16 applications for free and reduced price
17 meals and supplements under this Act or
18 section 4 of the Child Nutrition Act of
19 1966 (42 U.S.C. 1773).

20 “(ii) ADMINISTRATION.—The selected
21 sponsoring organization in a selected State
22 shall be responsible for administering the
23 pilot project, including—

1 “(I) distributing special assist-
2 ance payments to selected child care
3 centers; and

4 “(II) conducting oversight of and
5 reporting on the pilot project.

6 “(iii) INFORMATION DISSEMINA-
7 TION.—A selected State and selected spon-
8 soring organization shall—

9 “(I) notify each eligible child care
10 center in the State about the pilot
11 project, including the reimbursement
12 rates, timeline, and procedures under
13 the pilot project; and

14 “(II) provide information about
15 the pilot project to parents or guard-
16 ians of children attending eligible
17 child care centers.

18 “(H) REPORT.—Not later than 1 year
19 after the start date of the last pilot project
20 commenced during the first year of the program
21 established under subparagraph (B)(i), and an-
22 nually thereafter, the Secretary shall submit to
23 the Committee on Agriculture, Nutrition, and
24 Forestry of the Senate and the Committee on

1 Education and Labor of the House of Rep-
 2 resentatives a report describing—

3 “(i) the status of each active pilot
 4 project; and

5 “(ii) the manner in which the funds
 6 authorized under subparagraph (I) are
 7 used to carry out this paragraph.

8 “(I) AUTHORIZATION OF APPROPRIA-
 9 TIONS.—There is authorized to be appropriated
 10 to carry out this paragraph \$20,000,000 for the
 11 period of fiscal years 2022 through 2026.”.

12 **SEC. 4. FOURTH MEAL SERVICE OPTION.**

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

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

17 “(2) DISBURSEMENTS.—

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

20 (2) by striking subparagraph (B) and inserting
 21 the following:

22 “(B) LIMITATION.—No reimbursement
 23 may be made to any institution under this para-
 24 graph, or to any family or group day care home

1 sponsoring organization under paragraph (3),
 2 for more than—

3 “(i)(I) 2 meals and 1 supplement per
 4 day per child; or

5 “(II) 1 meal and 2 supplements per
 6 day per child; or

7 “(ii) in the case of child care during
 8 which there are 8 or more hours between
 9 the beginning of the first meal service pe-
 10 riod and the beginning of the fourth meal
 11 service period—

12 “(I) 3 meals and 1 supplement
 13 per day per child;

14 “(II) 2 meals and 2 supplements
 15 per day per child; or

16 “(III) 1 meal and 3 supplements
 17 per day per child.”.

18 **SEC. 5. EXPANDING AREA ELIGIBILITY.**

19 Section 17(f)(3)(A)(ii)(I) of the Richard B. Russell
 20 National School Lunch Act (42 U.S.C.
 21 1766(f)(3)(A)(ii)(I)) is amended by striking “50 percent”
 22 each place it appears and inserting “40 percent”.

1 **SEC. 6. REDUCING PAPERWORK AND IMPROVING PRO-**
 2 **GRAM ADMINISTRATION.**

3 (a) **ELIGIBILITY CERTIFICATION CRITERIA FOR PRO-**
 4 **PRIETARY CHILD CARE CENTERS.**—Section 17(a)(6) of
 5 the Richard B. Russell National School Lunch Act (42
 6 U.S.C. 1766(a)(6)) is amended—

7 (1) in the matter preceding subparagraph (A),
 8 by striking “unless it satisfies the following cri-
 9 teria:” and inserting “unless—”;

10 (2) in each of subparagraphs (A) and (B), by
 11 inserting “the institution” after the subparagraph
 12 designation;

13 (3) in subparagraph (C)(i), by inserting “the
 14 institution” before “will provide”;

15 (4) in subparagraph (E), by striking “and” at
 16 the end;

17 (5) in subparagraph (F), by striking the period
 18 at the end and inserting “; and”; and

19 (6) by adding at the end the following:

20 “(G) in the case of an institution described
 21 in paragraph (2)(B), eligibility is determined
 22 annually.”.

23 (b) **ADVISORY COMMITTEE ON PAPERWORK REDUC-**
 24 **TION.**—Section 17 of the Richard B. Russell National
 25 School Lunch Act (42 U.S.C. 1766) is amended by adding
 26 at the 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 enactment of this subsection,
5 the Secretary shall establish an advisory committee
6 (referred to in this subsection as the ‘Advisory Com-
7 mittee’) to carry out the duties described in para-
8 graph (2).

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

11 “(A) to 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 entities 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) to provide recommendations to reduce
21 paperwork for participants in the program
22 under this section while ensuring that proper
23 accountability and program integrity are main-
24 tained.

1 “(3) MEMBERSHIP.—The Advisory Committee
2 shall be composed of—

3 “(A) not less than 1 member representing
4 each of—

5 “(i) a public nonprofit center;

6 “(ii) a private nonprofit center;

7 “(iii) a family or group day care
8 home;

9 “(iv) a Head Start center;

10 “(v) a for-profit center;

11 “(vi) an emergency shelter;

12 “(vii) an adult day care center;

13 “(viii) a State agency;

14 “(ix) a sponsoring organization for
15 child care centers;

16 “(x) a sponsoring organization of fam-
17 ily or group day care homes;

18 “(xi) an anti-hunger advocacy organi-
19 zation;

20 “(xii) an after school program for at-
21 risk youth; and

22 “(xiii) a child care advocacy organiza-
23 tion; and

24 “(B) any other members, as the Secretary
25 determines to be appropriate.

1 “(4) CONSIDERATIONS.—In developing rec-
2 ommendations under paragraph (2)(B), the Advisory
3 Committee shall consider—

4 “(A) information, recommendations, and
5 reports from the Child and Adult Care Food
6 Program Paperwork Reduction Work Group es-
7 tablished pursuant to section 336 of the
8 Healthy, Hunger-Free Kids Act of 2010 (42
9 U.S.C. 1766 note; Public Law 111–296); and

10 “(B) the use of electronic systems and rec-
11 ordkeeping technologies to reduce paperwork
12 for program participants and program opera-
13 tors.

14 “(5) GUIDANCE AND REGULATIONS.—Not later
15 than 1 year after the date of enactment of this sub-
16 section, the Secretary shall issue guidance and, as
17 appropriate, regulations, based on the recommenda-
18 tions made under paragraph (2)(B), for streamlined
19 and consolidated paperwork and recordkeeping re-
20 quirements for the program, including—

21 “(A) streamlining and modernizing appli-
22 cations, monitoring, and auditing;

23 “(B) eliminating the use of an enrollment
24 form;

1 “(C) allowing the use of direct certification
2 in all States;

3 “(D) requiring States to accept digital
4 forms, digitized and electronic signatures, and
5 electronic records as documentation;

6 “(E) allowing the use of electronic data
7 collection systems, in accordance with Federal
8 standards;

9 “(F) streamlining duplicative State-specific
10 requirements; and

11 “(G) encouraging the adoption in the pro-
12 gram of generally accepted technologies from
13 other domains.

14 “(6) REPORT.—

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

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

“(i) In each case in which the Secretary did not implement a recommendation of the Advisory Committee, an explanation for why the recommendation was not implemented.

“(ii) Recommendations for legislative action that may strengthen and streamline the program application and monitoring processes and reduce administrative burdens on grantees, program participants, the Federal Government, and local and State governments.”.

**SEC. 7. FUNDING TO SUPPORT NUTRITION ACCESS FOR
YOUNG CHILDREN.**

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

(1) by striking “(n) There are hereby” and inserting the following:

“(n) FUNDING.—

“(1) IN GENERAL.—There are”; and

(2) by adding at the end the following:

“(2) FUNDING TO SUPPORT NUTRITION ACCESS
FOR CHILDREN.—

“(A) IN GENERAL.—On October 1, 2021, and October 1, 2022, out of any funds in the

1 Treasury not otherwise appropriated, the Sec-
2 retary of the Treasury shall transfer to the Sec-
3 retary \$5,000,000, to remain available until ex-
4 pended—

5 “(i) to provide training and technical
6 assistance under the program—

7 “(I) to support healthy meal pat-
8 terns of children; and

9 “(II) with respect to best prac-
10 tices for—

11 “(aa) increasing consump-
12 tion by children of vegetables,
13 fruits, whole grains, and healthy
14 beverages;

15 “(bb) reducing consumption
16 by children of added sugars and
17 saturated fats; and

18 “(cc) eliminating consump-
19 tion by children of beverages
20 sweetened with sugar; and

21 “(ii) to increase participation in the
22 program of children from underserved
23 communities.

24 “(B) RECEIPT AND ACCEPTANCE.—The
25 Secretary shall be entitled to receive, shall ac-

1 cept, and shall use to carry out this paragraph
2 the funds transferred under subparagraph (A),
3 without further appropriation.”.

○