

119TH CONGRESS
1ST SESSION

S. 1447

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

APRIL 10, 2025

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 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, 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 redes-
11 ignated 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 equately 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

“(iii) based on the findings of the report under clause (ii), provide to program operators guidance—

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

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

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

SEC. 5. ADJUSTMENTS.

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

SEC. 6. ADVISORY COMMITTEE ON PAPERWORK REDUCTION.

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

(1) in subsection (a)—

(A) in paragraph (2)(F), by striking “subsection (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 “(v) addressing nonmandated State-
2 specific requirements; and

3 “(vi) requiring the adoption of gen-
4 erally accepted technologies for client-fac-
5 ing technology, virtual visits, and tech-
6 nology used for administrative functions by
7 the program to reduce the burden on par-
8 ticipants and program operators and ad-
9 ministrators.

10 “(6) REPORT.—Not later than 180 days after
11 the date on which guidance or regulations are issued
12 under paragraph (5), the Secretary shall submit to
13 the Committee on Agriculture, Nutrition, and For-
14 estry of the Senate and the Committee on Education
15 and Workforce of the House of Representatives a re-
16 port containing—

17 “(A) for each instance in which the Sec-
18 retary did not implement a recommendation of
19 the Advisory Committee, an explanation regard-
20 ing why the recommendation was not imple-
21 mented; and

22 “(B) additional recommendations with re-
23 spect to legislative action that may—

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.”.

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